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United States. War Dept.
The War of the Rebellion : a
compilation of the official
records of the Union and
Confederate armies

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THE

WAR OF THE REBELLION:

A COMPILATION OF THE

OFFICIAL RECORDS

OF THE

UNION AND CONFEDERATE ARMIES.

PUBLISHED UNDER THE DIRECTION OF

The Hon. DANIEL S. LAMONT, Secretary of War,

BY

MAJ. GEORGE B. DAVIS, U. S. A.,
MR. LESLIE J. PERRY,
MR. JOSEPH W. KIRKLEY,
Board of Publication.

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SERIES II—VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1894.

PREFACE.

The work of preparing the records of the war for public use was begun under the resolution of Congress of May 19, 1864, by Adjt. Gen. E. D. Townsend, U. S. Army, who caused copies to be made of reports of battles on file in his office and steps to be taken to collect missing records.

Under the provisions of joint resolution No. 91, of 1866, Hon. Peter H. Watson was appointed to supervise the preparation and formulate a plan for the publication of the records, but he did no work and drew no pay under this appointment, which expired July 27, 1868, by limitation of the resolution. This resolution also repealed the former one and work ceased.

The first decisive step taken in this work was the act of June 23, 1874, providing the necessary means "to enable the Secretary of War to begin the publication of the Official Records of the War of the Rebellion, both of the Union and Confederate Armies," and directing him "to have copied for the Public Printer all reports, letters, telegrams, and general orders, not heretofore copied or printed, and properly arranged in chronological order." Appropriations have been made from time to time for continuing such preparation. Under this act the preliminary work was resumed by General Townsend, who first outlined the plan on which the records are printed, though it appears that originally he contemplated publishing to the world only the more important military reports.

Subsequently, under meager appropriations, it was prosecuted in a somewhat desultory manner by various subordinates of the War Department until December 14, 1877, when the Secretary of War, perceiving that the undertaking needed the undivided attention of a single head, detailed Lieut. Col. Robert N. Scott, U. S. Army, to take charge of the bureau and devote himself exclusively to the work.

The act of June 23, 1874, greatly enlarged upon the first crude scheme of publication. On this more comprehensive basis it was determined that the volumes should include not only the battle reports, but also "all official documents that can be obtained by the compiler, and that appear to be of any historical value." Colonel Scott systematized the

work and the plan and presented the records in the following order of arrangement, which has been adhered to by his successors:

The first series will embrace the formal reports, both Union and Confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an Atlas.

In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of the events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, &c., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order.

The second series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to State or political prisoners.

The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the National and the several State authorities.

The fourth series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and Confederate authorities given in that series.

The first volume of the records was issued in the early fall of 1880. The act approved June 16, 1880, provided "for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records (Union and Confederate) of the War of the Rebellion, so far as the same may be ready for publication, during the fiscal year;" and that "of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments." Under this act Colonel Scott proceeded to publish the first five volumes of the records.*

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* All subsequent volumes have been distributed under the act approved August 7, 1882, which provides that:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one, of such addresses, and the volumes shall be sent thereto from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with ten per cent. added thereto, and the proceeds of such sale shall be

Col. Robert N. Scott died March 5, 1887, before the completion of the work, which, during a ten years' service, he had come to love so dearly. At his death some twenty-six books only had been issued, but he had compiled a large amount of matter for forthcoming volumes; consequently his name as compiler was retained in all the books up to and including Vol. XXXVI, although his successors had added largely to his compilations from new material found after his demise.

The Secretary of War, May 7, 1887, assigned Lieut. Col. H. M. Lazelle, U. S. Army, to duty as the successor of Colonel Scott. He had continued in charge about two years, when, in the act approved March 2, 1889, it was provided—

> That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, and two civilian experts, to be appointed by the Secretary of War, the compensation of said civilian experts to be fixed by the Secretary of War.

The Secretary of War appointed Maj. George B. Davis, judge advocate, U. S. Army, as the military member, and Leslie J. Perry, of Kansas, and Joseph W. Kirkley, of Maryland, as the civilian expert members of said board. The board assumed direction of the publication at the commencement of the fiscal year 1889, its first work beginning with Serial No. 36 of Vol. XXIV.

Each volume includes a copious and accurate index, and for the further convenience of investigators there will be, in addition, a general index to the entire set when complete in a volume by itself.

Nothing is printed in these volumes except duly authenticated contemporaneous records of the war. The scope of the board's work is to decide upon and arrange the matter to be published; to correct and verify the orthography of the papers used, and occasionally to add a foot-note of explanation.

GEO. B. DAVIS, *Major and J. A., U. S. A.*,
LESLIE J. PERRY, *Civilian Expert*,
JOSEPH W. KIRKLEY, *Civilian Expert*,
Board of Publication.

Approved:

REDFIELD PROCTOR,
Secretary of War.

WAR DEPARTMENT,
Washington, D. C., August 1, 1891.

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covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent."

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1861.

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1862.

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THE TEXAS SURRENDER.

SUMMARY OF PRINCIPAL EVENTS.

Feb. 5, 1861.—The civil authorities of Texas appoint a commission to confer with the U. S. officer commanding that military department.

9, 1861.—Bvt. Maj. Gen. David E. Twiggs, U. S. Army, appoints a military commission to meet the commissioners of Texas.

16, 1861.—The Texas commissioners demand the surrender of all U. S. military posts and public property in Texas.

18, 1861.—Bvt. Maj. Gen. David E. Twiggs, U. S. Army, commanding the Department of Texas, surrenders the military posts and public property to the authorities of Texas, under stipulations that the U. S. troops be permitted to retain their arms and retire unmolested.

Mar. 1, 1861.—Bvt. Maj. Gen. David E. Twiggs, U. S. Army, dismissed the service by order of President Buchanan.

5, 1861.—All the U. S. troops in the Department of Texas ordered to the coast for transportation to New York.

26, 1861.—Col. Earl Van Dorn, C. S. Army, reports his arrival in Texas for the purpose of securing the adhesion of the U. S. troops to the Confederate cause.

Apr. 11, 1861.—Col. Earl Van Dorn, C. S. Army, ordered to assume command in Texas and make prisoners of all U. S. troops remaining in the State who refuse to espouse the Confederate cause.

23, 1861.—Col. Carlos A. Waite, U. S. Army, commanding the Department of Texas, and his staff officers made prisoners of war at San Antonio.

25, 1861.—U. S. troops under Maj. Caleb C. Sibley, U. S. Army, surrender, near Indianola, as prisoners of war to Col. Earl Van Dorn, C. S. Army, and sign a parole not to take up arms against the Confederate States until exchanged or released therefrom.

30, 1861.—Maj. Caleb C. Sibley's detachment of paroled U. S. troops sail for New York.

May 9, 1861.—Detachment of U. S. troops under command of Bvt. Lieut. Col. Isaac V. D. Reeve, U. S. Army, surrender at San Lucas Spring to Col. Earl Van Dorn, C. S. Army.

10, 1861.—Col. Earl Van Dorn, C. S. Army, reports to his Government the capture of the last column of U. S. troops in Texas.

Nov. 1, 1861.—Beginning of negotiations for the release and exchange of the U. S officers and men surrendered in Texas.

Delivery of the Forts and Public Property and Attempted Withdrawal of the U. S. Troops.

UNION CORRESPONDENCE, ETC.

[For Reports, Correspondence, etc., between the Headquarters of the Army and General Twiggs, and other important records relating to this event, not included herein, see Series I, Vol. I, pp. 503–636.]

HEADQUARTERS DEPARTMENT OF TEXAS,
*San Antonio, February 19, 1861.**

Lieut. Col. L. THOMAS,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: I have the honor to inclose herewith the proceedings of a military commission, constituted by virtue of Special Orders, No. 20, of this year, from this department, to meet the commissioners on the part of the State of Texas. It will be observed that the meetings of the commissioners were abruptly terminated by the entrance into this city, on the morning of the 16th instant (before day), of an armed body of State troops, numbering over 1,000 men, under Col. Ben. McCulloch. On that morning I received a summons requiring me "to deliver up all military posts and public property held by or under your control." It is herewith, marked No. 2. I immediately (with Major Nichols) proceeded to my office and found the troops and public property surrounded by the Texans. After a conversation with the commissioners, in presence of all my staff and the officers of the post, it was agreed that the U. S. troops should march out of the city, taking with them their arms, clothing, camp and garrison equipage, and all the necessaries for a march out of Texas.

On the 17th instant I received another summons from the commissioners (copy herewith, marked No. 3), to which I replied under the same date, a copy of which is herewith, marked No. 4. The commissioners replied to this (copy herewith, No. 5), stating the conditions of the march out of Texas (see letter referred to in the proceedings of the commission) and demanding the surrender of the guns of the light batteries, a demand to which I could not accede. The commissioners were instructed to demand that the route of the troops should be by way of the coast. I objected to this strongly until I found that unless I yielded that point there would be immediate collision, and deeming it probable that by yielding this I could save the guns of the light batteries, I reluctantly did so. (See my letter of the 18th instant, marked No. 6, addressed to that body.) The commissioners in reply (copy herewith, No. 7) accepted my conditions. I have to remark that whilst the commissioners were in session the State troops were in rapid march upon the city of San Antonio. General Orders, No. 5 (herewith, No. 8), will inform you of the disposition of the troops. A copy of the circular of the commissioners is also herewith, No. 9.

I have the honor to be, very respectfully, your obedient servant,
D. E. TWIGGS,
Bvt. Maj. Gen., U. S. Army, Comdg. the Department of Texas.

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*This report with its inclosures was transmitted to Washington February 26, 1861, by special messenger. See Special Orders, No. 34, p. 8.

[Inclosure No. 1.]

Proceedings of a military commission constituted by virtue of the following order, viz:

SPECIAL ORDERS, No. 20. } HEADQUARTERS DEPARTMENT OF TEXAS, *San Antonio, February 9, 1861.*

A military commission, to consist of Maj. David H. Vinton, quartermaster, Maj. Sackfield Maclin, paymaster, and Capt. Robert H. K. Whiteley, Ordnance Department, is hereby appointed to meet the commissioners on behalf of the convention of the people of Texas—Messrs. Thomas J. Devine, Samuel A. Maverick, and P. N. Luckett—at such times and places as may be agreed upon, to transact such business as relates to the disposition of the public property upon the demand of the State of Texas.

By order of Brevet Major-General Twiggs:

W. A. NICHOLS,
Assistant Adjutant-General.

The commission met at 4 p. m. February 9, 1861.

Present: Maj. D. H. Vinton, quartermaster; Maj. S. Maclin, paymaster; Capt. R. H. K. Whiteley, Ordnance Department.*

[FEBRUARY 16, 1861.]

The military commission met pursuant to adjournment, and finding that during the past night the town of San Antonio had been invaded by armed bodies of Texans, who had seized the property belonging to the United States, it was deemed that no further proceedings on the part of the commission would be of any avail, and they therefore respectfully submit their proceedings at this point for the consideration of the major-general commanding the department, and adjourned *sine die.*

D. H. VINTON,
Major and Quartermaster,
SACKFIELD MACLIN,
Paymaster, U. S. Army,
R. H. K. WHITELEY,
Captain of Ordnance,
Military Commission.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 16, 1861.

Approved.

D. E. TWIGGS,
Brevet Major-General, U. S. Army.

[Inclosure No. 2.]

SAN ANTONIO, *February 16, 1861—6 a. m.*

OFFICER IN COMMAND OF THE DEPARTMENT OF TEXAS.

SIR: You are hereby required, in the name and by the authority of the people of the State of Texas, in convention assembled, to deliver up all military posts and public property held by or under your control.

Respectfully, yours, &c.,

THOS. J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of the Committee of Public Safety.

* Proceedings of this commission omitted; for which see Series I, Vol. I, pp. 504-510. For the order appointing the commissioners of the State of Texas and the authority therefor, see p. 25 of this volume.

[Inclosure No. 3.]

SAN ANTONIO, *February 17, 1861.*

Bvt. Maj. Gen. DAVID E. TWIGGS,
Commanding Department of Texas.

SIR: In our communication of the 16th instant we required a delivery up by you of the positions held and public property held by or under your control as commander in this department. As no reply, save your verbal declaration (which declaration was that you "gave up everything"), has been given to our note, and as the undersigned are most anxious to avoid even the possibility of a collision between the Federal troops and the force acting on behalf of the State of Texas—a collision which all reflecting persons desire to avoid, and the consequences of which no man can predict—we again demand the surrender up to the undersigned of all the posts and public property held by you or under your control in this department.

Please answer immediately.

We have the honor to remain, your obedient servants,

THOS. J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of the Committee of Public Safety.

[Inclosure No. 4.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 17, 1861.

Messrs. THOS. J. DEVINE, S. A. MAVERICK, P. N. LUCKETT,
Commissioners on behalf of the Convention of the People of Texas.

GENTLEMEN: In reply to your communication of this date, I have to say that you are already aware of my views in regard to the delivery of the public property of this department, and I now repeat that I will direct the positions held by the Federal troops to be turned over to the authorized agents of the State of Texas, provided the troops retain their arms and clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defense against aggression from any source.

Very respectfully, your obedient servant,

D. E. TWIGGS,
Brevet Major-General, U. S. Army, Commanding Department.

[Inclosure No. 5.]

SAN ANTONIO, *February 17, 1861.*

Bvt. Maj. Gen. DAVID E. TWIGGS, U. S. Army,
Commanding Department of Texas.

SIR: In reply to your communication of this date, we have to say that we accept the terms therein set forth, with the conditions stated in our note of the 14th instant, viz, that the troops shall leave Texas by the way of the coast, and, upon arriving at the point or points of embarkation, will deliver up to the authorized agents appointed for that purpose all means of transportation of every kind used by them, as likewise the artillery, if any be taken.

Respectfully, &c.,

THOS. J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of the Committee of Public Safety.

[Inclosure No. 6.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 18, 1861.

Messrs. THOS. J. DEVINE, S. A. MAVERICK, P. N. LUCKETT,
Commissioners on behalf of the Convention of the People of Texas.

GENTLEMEN: Your communication of the 17th instant, which you say is a reply to mine written yesterday, the 17th instant, was received last night. I consent to the conditions that the troops shall leave Texas by the way of the coast, with the provision expressed in my communication of yesterday.

As to the condition of surrendering the guns of the light batteries, that, you must see, would be an act which would cast a lasting disgrace upon the arms of the United States, and under no circumstances can I believe that the State of Texas would demand such a sacrifice at my hands, and more particularly so after I have yielded so much to meet what I deemed to be due to the State, and to avoid any unnecessary collision between the Federal and State troops. In this view of the case, I am sure you will not insist in a demand which, you must see, I am not at liberty to grant.

Very respectfully, your obedient servant,

D. E. TWIGGS,
Brevet Major-General, U. S. Army, Commanding Department.

[Inclosure No. 7.]

SAN ANTONIO, *February 18, 1861.*

Bvt. Maj. Gen. DAVID E. TWIGGS, U. S. Army,
Commanding Department of Texas.

SIR: In reply to your communication of this date, we have to say that we accept the terms therein stated, viz, that the two batteries of light artillery, with the arms for the infantry and cavalry, shall be retained by the troops under your command; all other public property, as set forth in our previous communication, to be delivered up to agents authorized to receive it.

We remain, respectfully, your obedient servants,

THOS. J. DEVINE,
P. N. LUCKETT,
S. A. MAVERICK,
Commissioners on behalf of Committee on Public Safety.

[Inclosure No. 8.]

GENERAL ORDERS, No. 5. } HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 18, 1861.

The State of Texas having demanded through its commissioners the delivery of the military posts and public property within the limits of this command, and the commanding general desiring to avoid even the possibility of a collision between the Federal and State troops, the posts will be evacuated by their garrisons, and these will take up as soon as the necessary preparations can be made the line of march out of Texas by way of the coast, marching out with their arms (the light batteries with their guns), clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means

of transportation of every kind as may be necessary for an efficient and orderly movement of the troops, prepared for attack or defense against aggressions from any source.

The troops will carry with them provisions as far as the coast.

By order of Brevet Major-General Twiggs:

W. A. NICHOLS,
Assistant Adjutant-General.

[Inclosure No. 9.]

CIRCULAR.] SAN ANTONIO, *February 18, 1861.*

The undersigned, commissioners on the part of the State of Texas, fully empowered to exercise the authority undertaken by them, have formally and solemnly agreed with Bvt. Maj. Gen. David E. Twiggs, U. S. Army, commanding the Department of Texas, that the troops of the United States shall leave the soil of the State by the way of the coast; that they shall take with them the arms of the respective corps, including the battery of light artillery at Fort Duncan and the battery of the same character at Fort Brown, and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, &c., and transportation.

It is the desire of the commission that there shall be no infraction of this agreement on the part of the people of the State. It is their wish, on the contrary, that every facility shall be afforded the troops. They are our friends. They have heretofore afforded to our people all the protection in their power, and we owe them every consideration.

The public property at the various posts, other than that above recited for the use of the troops, will be turned over to agents to be appointed by the commission, who will give due and proper receipts for the whole to the officers of the Army whom they relieve from the custody of the public property.

THOS. J. DEVINE,
P. N. LUCKETT,
S. A. MAVERICK,
Commissioners on behalf of Committee of Public Safety.

SPECIAL ORDERS, No. 27. } HEADQUARTERS DEPARTMENT OF TEXAS, *San Antonio, February 18, 1861.*

I. The State troops having taken possession of the city of San Antonio and the property that belonged to the Federal Government, the officers of the general staff—viz, Bvt. Maj. W. A. Nichols, assistant adjutant-general; Maj. D. H. Vinton, quartermaster; Capt. A. W. Reynolds, assistant quartermaster; Military Store-keeper R. M. Potter; Capt. W. B. Blair, commissary of subsistence; Surg. E. H. Abadie, Medical Department; Maj. S. Maclin, paymaster; Maj. D. McClure, paymaster; Bvt. Second Lieuts. W. H. Echols and Nicolas Bowen, Topographical Engineers, and Capt. R. H. K. Whiteley, Ordnance Department—will, as soon as their several functions shall cease, proceed to Washington City, D. C., and report to the chiefs of their respective bureaus. The chief quartermaster will advance to each officer named the mileage from this place to Washington City.

By order of Brevet Major-General Twiggs:

W. A. NICHOLS,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 32. } HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 24, 1861.

The commissioners on the part of the State of Texas having turned over to the Quartermaster's Department twenty-six wagons and teams for the movement of the troops on the line above Fort Clark, those posts—viz, Fort Bliss, Fort Quitman, Fort Davis, Fort Stockton, Fort Lancaster, and Camp Hudson—will be evacuated by their garrisons in the following manner: The most remote garrison will move first, and the garrison of each succeeding post two days after the passage of the command which precedes it. They will direct their march upon Indianola, where transports will be in readiness for their embarkation. The troops will march with their arms and ammunition, the necessary clothing and camp equipage, and, as the means of transportation are limited, no extra baggage will be allowed. Lieut. Henry W. Freedley, Third Infantry, is appointed acting assistant quartermaster of the train. Special instructions will be given to him. Agents on the part of the State will be sent up to the several posts to receive the public property.

By order of Col. C. A. Waite:

W. A. NICHOLS,
Assistant Adjutant-General.

CIRCULAR.] HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 25, 1861.

As some of the companies in the department have already evacuated their posts, deeming the requirements of General Orders, No. 5, immediate, the department commander calls the attention of post commanders to the condition therein expressed, viz., "as soon as the necessary preparations can be made." The "necessary preparations" will be made at these headquarters, and no troops will be put in motion until orders for such purpose shall be issued from the department. Should, however, any of the companies within this command have left their stations and be found, on receipt of these instructions, on the march for the coast, they will not consider the above requirements as operative upon them, but will continue their line of march.

Very respectfully, your obedient servant,

W. A. NICHOLS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 26, 1861.

Lieut. Col. L. THOMAS, *Asst. Adjt. Gen., Hdqrs. Army, New York.*

COLONEL: I have the honor to inclose herewith a statement of the number of troops serving in the Department of Texas, and have to request that transportation may be furnished for them from Indianola and Brazos Santiago to such points as the lieutenant-general commanding the Army shall direct. My arrangements are that the Third Infantry and two companies of the Second Cavalry shall embark at the Brazos, and that the remaining eight companies of the Second Cavalry, the five companies of the First Infantry, and the nine companies of the Eighth Infantry shall proceed to Indianola and take shipping at that place.

* * * * * * *

I am, sir, very respectfully, your obedient servant;

C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 26, 1861.

Statement of the number of troops to be removed from the Department of Texas, in compliance with General Twiggs' agreement with the commissioners on the part of the State of Texas.

	Companies.	Medical officers.	Field officers.	Company officers.	Ordnance sergeants and hospital stewards.	Enlisted men.	Laundresses.	Officers' servants.	Aggregate.
To embark at the Brazos.									
Third Infantry	10	3	3	25	4	762	40	34	871
Two companies, E and G, Second Cavalry	2	.....	.....	6	.....	121	8	6	141
Total	12	3	3	31	4	883	48	40	1,012
To embark at Indianola.									
Second Cavalry (eight companies)	8	4	2	17	3	588	32	25	671
First Infantry (five companies)	5	2	2	13	4	385	20	17	443
Eighth Infantry (nine companies)	9	5	1	19	4	472	36	21	558
Total	22	11	5	49	11	1,445	88	63	1,672
Grand total	34	14	8	80	15	2,328	136	103	2,684

Besides the officers and enlisted men included in the above list, there is one doctor and one paymaster stationed at Fort Brown, and one paymaster at Fort Bliss. One ordnance sergeant is stationed at Brazos Santiago, and a hospital steward at Fort Brown.

C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

SPECIAL ORDERS, No. 34. } HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 26, 1861.

Bvt. Lieut. Col. D. T. Chandler, U. S. Army, will proceed to the headquarters of the Army and deliver the dispatches with which he is charged. He will travel with all possible haste, as it is important that the information contained in the communications intrusted to his charge should reach Washington as early as possible.

On arriving in Louisiana Colonel Chandler will communicate with the governor of that State, and ascertain if a safe transit for the troops evacuating Texas will be afforded through the State of Louisiana, with permission to purchase the necessary supplies and secure the required means of transportation. For this purpose he will deliver a communication addressed to the governor of that State by the commissioners on behalf of the committee of public safety of the State of Texas. After having complied with these instructions Colonel Chandler will return to San Antonio.

By order of Col. C. A. Waite:

W. A. NICHOLS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 26, 1861.

Lieut. Col. L. THOMAS,
Asst. Adjt. Gen., Headquarters of the Army, &c.

COLONEL: I have the honor to report that in compliance with Special Orders, No. 22, Adjutant-General's Office, Washington, January 28, 1861, I assumed command of the Department of Texas on the 19th instant.

I send herewith by Bvt. Lieut. Col. D. T. Chandler, U. S. Army, a communication, dated the 19th instant, of Brevet Major-General Twiggs, giving a full account of the forcible entry into and occupation of this city by the troops of this State, on the 16th instant, together with the proceedings of the military commission therein referred to, and the papers connected with it.*

* * * * * * *

I am, colonel, very respectfully, your obedient servant,
C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

SPECIAL ORDERS, No. 36. } HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 27, 1861.

Department Special Orders, No. 32, of February 24, 1861, are modified as follows:

The garrisons of the posts above Fort Clark—viz, Fort Bliss, Fort Quitman, Fort Davis, Fort Stockton, Fort Lancaster, and Camp Hudson—instead of marching as therein directed, will march upon the coast as soon as the means of transportation shall be received by them.

The public property at the several posts, except what is expressly mentioned in Department General Orders, No. 5, and the circular of the commissioners on behalf of committee of public safety, under date of San Antonio, February 18, 1861, will be turned over to authorized agents of the State of Texas, who will give due and proper receipts for the same. Should, however, any agent on the part of the State fail to appear or any one refuse to give the proper receipts, the commanding officer will call a board of survey, with instructions to make inventories of the property to be abandoned. (See General Orders, No. 22, of 1859, from the War Department.)

By order of Col. C. A. Waite:

W. A. NICHOLS,
Assistant Adjutant-General.

GENERAL ORDERS, No. 5. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, March 1, 1861.

The following order is published for the information of the Army:

WAR DEPARTMENT,
March 1, 1861.

By the direction of the President of the United States, it is ordered that Brig. Gen. David E. Twiggs, major-general by brevet, be, and is hereby, dismissed from the Army of the United States for his treachery to the flag of his country in having sur-

* See report of Twiggs and inclosures, p. 2, *et seq.*

rendered, on the 18th of February, 1861, on the demand of the authorities of Texas, the military posts and other property of the United States in his department and under his charge.

J. HOLT,
Secretary of War.

By order of the Secretary of War:

S. COOPER,
Adjutant-General.

HEADQUARTERS,
San Antonio Barracks, Tex., March 1, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of Texas, San Antonio, Tex.

SIR: Pursuant to the orders of the commander of the department, I have the honor to submit the following report of the taking possession of the public property in San Antonio on the morning of the 16th ultimo:

* * * * * * *

I had ordered that our men should not leave their quarters, but should be prepared to resist any attempt to take their arms; and between 9 and 10 o'clock, wishing to relieve them from this constraint, and to avoid any chance of accidental collision, I proposed to move the command into camp at a convenient distance from town. The commissioners objected to this arrangement unless I would assure them that I would not move from the camp except to leave Texas by the coast. I told them I could give no such assurance without the consent of the general commanding, as I might be otherwise ordered. After some discussion of the feasibility of the plan of the troops going out by Indianola and up the Mississippi, with the approbation of General Twiggs, who was present, I gave the assurance asked for, and immediately issued the necessary orders for the companies to go into camp. The headquarters of the post and Eighth Infantry and band of the Eighth remain in town.

As required by the colonel commanding the department the reports of Major Smith and Captain King are submitted herewith.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieutenant-Colonel Eighth Infantry, Commanding.

[Inclosure No. 1.]

CAMP SAN PEDRO, TEX., *February 23, 1861.*

Lieut. Col. WILLIAM HOFFMAN,
Eighth Infantry, Commanding San Antonio Barracks.

COLONEL: In compliance with instructions that I should report such information as I possess on the subject of the events which transpired in San Antonio on the 16th instant, I have the honor to state as follows:

For several days previous to the 16th there were many rumors of the formation of forces to take possession of the public property at the depots. They were not generally credited until the 14th, when more reliable information was received that a strong force of citizens was collecting from the counties to the east and northeast. This was confirmed on the 15th, and it was generally understood that several hundred men would enter the city the next morning. The orders given to the guard were that they should not resist a large organized force, but

to preserve the public property from depredation by individuals or any mob, as usual. The troops, consisting of Company I of the First and A of the Eighth Infantry, were to form at quarters and await further orders in case of the approach of any considerable force.

At fifteen minutes of 4 o'clock on the morning of the 16th I received a message from the officer of the day that a large armed force was entering the city. Repairing to my company quarters, a low, one-story building, marked B on the accompanying plot,* situated in the yard used as a depot for ordnance, the men were formed, and ordered to remain at their quarters. I then proceeded to the Army offices in the building marked A, where officers were awaiting developments rather than orders, it being understood that no resistance would be made. A few minutes after, some eighty armed citizens took position across the street at the point C, and another party in the lot at H. Returning towards my company quarters, I found a strong party on the street leading to the plaza, some of them ascending the stairs to the second story of the ordnance building, D. Approaching them, I was accosted by two persons, who seemed surprised at being observed. One of them was announced as Colonel McCulloch. I informed him that the house on the corner was occupied by soldiers. He said he could not help that. I asked, "Perhaps you will tell me what you intend to do;" to which he replied that his force was in commanding positions, and would take possession of all the public property, after which, if anything was wanted, it would have to be asked of the commissioners, and that the persons of my men were secure, and would not be molested. During this conversation he gave me to understand that the force on the east side of the river served to prevent my company and that of the First Infantry at F from uniting. In the meantime his people were mounting to the roof of the ordnance building, of the house adjoining on the south, and of the Masonic Hall at G. About one hour after this conversation, having heard that it was intended to demand the arms in the hands of our men, I sought Colonel McCulloch, and asked him if I had understood him rightly that the persons of the soldiers would not be molested. He answered, "Yes." I stated that they would consider their persons very much molested if their arms were interfered with. He replied, "That is a question for the commissioners to determine." I added that such an attempt would be followed by serious consequences, which would be painful to all concerned, and suggested that he would confer with his commissioners on that subject if he had not been instructed upon it. He signified his intention to obey their instructions, whatever they might be, at any cost, and added, "Some of you had better arrange this matter quickly, or my men will do it for you," thus intimating that they might not be controlled.

Near 7 o'clock Colonel McCulloch came to me with a letter addressed to the commander of the Department of Texas. I informed him that I was not the officer, and referred him to you as commanding the post. These matters were all reported to you.

At 10 o'clock I particularly reported the situation of my company, in contracted quarters, and so completely surrounded and commanded by the citizens' force that no man could move without having several hundred guns pointed at him, at the option of that force, and that they had been in this situation nearly six hours. You notified the department commander of this. It seemed to be of consequence, in yielding to the Texas commissioners, that these two companies should leave the State

* Omitted as unimportant.

"by the way of the coast." On this point you are better informed than I am; my knowledge of it is incomplete. I understood, however, that our troops would not be permitted to leave their quarters if this demand was not acceded to, and that it was the one measure to restore quiet.

About 11 o'clock the order was given to prepare to go into camp, and at 3 p. m. the two companies marched out of the city, and formed their camp at this place.

I am, very respectfully, your obedient servant,

LARKIN SMITH,
Major by Brevet, Captain, Eighth Infantry.

[Inclosure No. 2.]

CAMP SAN PEDRO, TEX., *March 1, 1861.*

Lieut. Col. W. HOFFMAN,
Eighth Infantry, Commanding San Antonio Barracks, Tex.

SIR: By your order, I report to you that I was on duty as officer of the day at San Antonio Barracks on the 15th ultimo. At night the guard at the Alamo had orders not to load their muskets, and not to resist in case an armed force attempted to seize the public property. Some time before daybreak the corporal at the Alamo reported to me that the citizen troops we had been expecting for a day or two had arrived in the city. Our soldiers were notified of it, and the sentinels withdrawn from their posts.

I am, sir, very respectfully, your obedient servant,

JNO. H. KING,
Captain, First Infantry.

SAN ANTONIO, TEX., *March 2, 1861.*

We, the commissioners on behalf of the committee of public safety, will place at the disposal of the commanding officer of the troops in Texas such means of transportation as are at our command, to be used by said troops in transporting their baggage, provisions, forage, and other supplies to such points on the coast as have been selected for embarkation.

THOS. J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of Committee of Public Safety.

SPECIAL ORDERS, No. 41. } HEADQUARTERS DEPARTMENT OF TEXAS, *San Antonio, March 5, 1861.*

The garrisons of the following-named posts will march for the coast, via San Antonio, as soon as they receive the requisite means of transportation, viz, Fort Inge, Camp Wood, Fort Mason, Camp Colorado, Fort Chadbourne, and Camp Cooper. Upon arriving at Green Lake, some twenty miles from Indianola, the troops will find a camp established, where they will remain until the transports are ready for their embarkation. It is desirable that sufficient provisions and forage be taken to last to that point. If the means of transportation will not permit recourse must be had to the several posts on the line of march.

By order of Col. C. A. Waite:

W. A. NICHOLS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, March 6, 1861.

Lieut. Col. L. THOMAS,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington. D. C.

COLONEL: I have the honor to acknowledge the receipt of your communications forwarded by Major Porter,* assistant adjutant-general, which were delivered to me on the 4th instant by Lieutenant Major. Second Cavalry. Major Porter was to leave Indianola on the 2d instant for Brazos Santiago.

The difficulty of placing provisions at Brazos Santiago for the use of the troops whilst awaiting the arrival of the transports, the collection of a large Texan force at Brownsville or in its vicinity, which would render a depot at that place insecure, and the small number of United States troops on the Rio Grande below Fort McIntosh, have induced me to change my arrangements so far as to have all the troops embark at Indianola. Should it, however, be deemed expedient hereafter to have a part of the troops embark at the Brazos, the transports can easily be ordered from Indianola to that point. I have, therefore, to request that all of the vessels sent out to take the troops may be directed to proceed to Indianola.

Two companies of the Third Infantry (Johns' and Clitz's) were ordered to Fort Brown from Ringgold Barracks to relieve the artillery, and as it is probable that they reached that post before the arrival at Brazos of the steamer Daniel Webster, I presume they embarked with the artillery. Major Porter wrote me that he would "make every effort to take with me [him] the garrison of Ringgold Barracks."

I am, colonel, very respectfully, your obedient servant,

C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

P. S.—I beg that it may be borne in mind that I am dependent entirely on the commissioners on the part of Texas for the use of the means of transportation, which were heretofore under the control of the quartermaster's department. As difficulties are daily occurring to retard our operations, and frequently to delay the march of the troops, I cannot feel that certainty of having them at the points selected for concentration at any given time that I should do if entirely independent of the commissioners and free to act agreeably to my own judgment.

Very respectfully,

C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

HEADQUARTERS OF THE ARMY,
Washington, March 12, 1861.

Col. CARLOS A. WAITE, U. S. Army, or
SENIOR OFFICER ON DUTY WITH U. S. TROOPS
AT BRAZOS AND INDIANOLA, TEX.

SIR: The general-in-chief directs that the troops arriving at Brazos and at Indianola, Tex., for embarkation shall proceed to the harbor of New York, where they will receive further orders.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

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*See Thomas to Waite, February 7, Series I, Vol. I, p. 587.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, March 12, 1861.

Lieut. Col. L. THOMAS,
Headquarters of the Army, Washington, D. C.

COLONEL: I have the honor to inform you that a communication, under date of 25th ultimo,* was received on the 8th instant from Brevet Lieutenant-Colonel Reeve, captain, Eighth Infantry, advising me of the arrival at that post [Fort Bliss] of the "four companies of the Eighth Infantry recently stationed in the Department of New Mexico—the last one, Company B (Brevet Lieutenant-Colonel Reeve's), arriving on the 21st instant" (February).

Brevet Major Sprague's company (E, Eighth Infantry) left Fort Bliss the 25th ultimo for Fort Davis, under Lieutenant Frank, Eighth Infantry.

I am, sir, very respectfully, your obedient servant,

C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, March 13, 1861.

Lieut. Col. L. THOMAS,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

COLONEL: The want of co-operation on the part of the commissioners, who have the entire control of the means of transportation; the great distance from this place to El Paso; the uncertainty in relation to the condition of things at the several posts on the upper Rio Grande, especially in regard to their facilities for the transportation of baggage, supplies, &c., and the difficulties which attend the march of troops and the movement of trains at this season of the year over a large portion of the route—have caused so many delays that I was not able until yesterday to entirely complete the arrangements necessary to bring the troops down from those distant posts.

The three companies at El Paso will probably leave that post about the 25th of this month, and, with the four companies now at Fort Quitman, Fort Davis, and Fort Stockton, may be expected to be at the coast and ready to embark in about forty days from that date. The last returns show the strength of the several companies to be 14 officers and about 426 enlisted men, laundresses, &c. As it is not possible for the companies above mentioned to embark before the first week in May, transports for that number of troops will not be required until that time.

To a certain extent the same uncertainty as to the time the troops can be assembled and ready for embarkation which prevented my stating in any of my former communications the exact time the transports would be wanted still hangs over our future movements. This arises from the confused condition of affairs in this department, the interference of the commissioners, and my having but a limited control over the means necessary to move the troops.

I am now concentrating the troops at a camp established at Green Lake, some twenty miles from Indianola, the nearest point to the coast where pure water, fuel, and good grazing can easily be obtained.

By my present arrangements, I think I shall be able to assemble by the 10th of April and have ready for the transports some 45 officers and

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* Omitted.

1,300 men, and by the 10th of May I hope to have the remainder of the troops in a position ready to embark. All the troops will embark at Indianola.

I am, colonel, very respectfully, your obedient servant,

C. A. WAITE,
Colonel, Commanding Department.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, March 16, 1861.

Lieut. Col. L. THOMAS,
Asst. Adjt. Gen., Army Headquarters, Washington, D. C.

COLONEL: I have the honor to forward herewith a copy of a letter* received from Maj. C. C. Sibley, Third Infantry, reporting the movements of the troops on the Rio Grande. The distance from Fort McIntosh to Fort Brown is about 230 miles, and Major Sibley's command may be expected to arrive at the latter place about the 24th instant.

I have not recently received any official information of the condition of affairs at Fort Brown, but, from the reports which have reached me, do not anticipate any difficulty with the State troops.

Colonel Bonneville being out of the department, and Colonel Backus having received a leave of absence on account of his health, the command of the Third Infantry will devolve on Major Sibley.

I am, colonel, very respectfully, your obedient servant,

C. A. WAITE,
Colonel, Commanding Department.

[For Reports, Orders, Correspondence, etc., relating to the surrender of Forts Brown, Chadbourne, and Camps Cooper and Colorado, in the State of Texas, and the seizure of public funds sent to pay the U. S. troops, see Series I, Vol. I, p. 535 *et seq.*]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, March 27, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters of the Army, Washington, D. C.

SIR: In case the difficulty between the General Government and the seceding States should result in hostilities, there is reason to apprehend that an attempt may be made to prevent the embarkation of the troops and to detain them as prisoners of war. This can only be effected by their seizing and removing all lighters, preventing transports of light draught entering the bay at Indianola, and by cutting off our supplies of provisions, &c. To avoid an attempt of that kind, and to be prepared to meet it if made, I am concentrating the troops at the camp near Green Lake as rapidly as possible. This camp is full twenty miles from Indianola and is the nearest place to the coast where fresh water can be obtained. The difficulty, amounting almost to impossibility, of supplying the troops with water at Indianola prevents my moving them down to that place. Not a line has been received at these headquarters from

* See Series I, Vol. I, p. 534, for Sibley's letter.

the Headquarters of the Army or from the War Department since I entered upon duty as the department commander, except unimportant matters, and I am inclined to believe, from inspection of the envelopes, that they have been opened, and that all important communications have been withheld.

I am, sir, very respectfully, your obedient servant,

C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

STEAMER DANIEL WEBSTER,
New York Harbor, March 30, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters of the Army, Washington City.

SIR: I have the honor to report my arrival to-day in this steamer with Companies M, Second Artillery, and C and E, Third Infantry, Capt. W. B. Johns commanding. The troops will land at Fort Hamilton in compliance with instructions to Major French.

In obedience to the orders of the general-in-chief* I sailed the 15th of February in this steamer for Brazos Santiago, with recruits, provisions, and medical stores for the garrisons of Forts Taylor and Jefferson, Fla., and provisions for the troops to embark at Brazos Santiago. The recruits (sixty-two) for Fort Taylor and all stores for the two forts were landed on the 23d and 25th of February. I landed at Indianola on the 2d of March and forwarded the dispatches in my possession addressed to the commander of the Department of Texas. On the 3d instant, on arriving off Brazos, I availed myself of an opportunity offered by a commissioner of the State coming on board to enter the harbor and proceed to Fort Brown, which place I arrived at that night at 12 o'clock.

As the garrison of Fort Duncan had not arrived nor been heard from, I delivered to the commander of Fort Brown the instructions for Major French, and under the authority of my instructions issued the annexed letters, the provisions in which I considered essential for the comfort and speedy embarkation of the command and the security of the public property at the post, and to suppress any meditated design or attempt at intimidation. I then proceeded to the mouth of the Rio Grande to prepare the means for a speedy embarkation. I returned to Fort Brown on the 6th instant.

Major French, with three companies of artillery, arrived on the 8th, and on the 11th, the earliest practicable moment, collected the command at the mouth of the river, whence all embarked on the night of the 19th instant. Brazos Santiago was occupied by Texas volunteers, and hence, deeming it prudent, I arranged to embark at the mouth of the Rio Grande, which proved of no disadvantage. The garrisons of Forts Jefferson and Taylor were re-enforced on the 24th instant by the companies assigned them in instructions. Assistant Surgeon L'Engle, the only medical officer available at Fort Brown, relieved Surgeon McLaren at Fort Jefferson.

In a separate communication I have stated my reasons for chartering the steamer General Rusk, but I wish to add here that without her aid the troops and batteries would now, in all probability, be on the Rio Grande. I was informed at Key West that certain parties (secessionists, some holding office) expressed themselves in strong and bitter

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* For Porter's instructions see Series I, Vol. I, p. 588.

terms to the captain of the Rusk and against the agent of the company in Galveston for permitting the vessel to take re-enforcements to these forts. The Rusk was chartered with the knowledge (understanding) on the part of the captain and agent (E. B. Nichols, commissioner) that a portion of the troops destined for these forts would be placed on the Rusk. I make this last remark as I have heard the captain stated he was deceived in the terms of the charter. I am surprised to see in an annexed letter from Colonel Backus that the secretary of the commissioner (Mr. Waller) was urging the surrender of the barracks at Fort Brown, General Nichols having assured me on the 13th instant that the secretary had instructions not to make such a demand, and that the fort would not be asked for till the army was ready to embark.

Accompanying this are copies of all correspondence connected with my mission.

In testimony of the character of that portion of the army which came under my observation on the Rio Grande, I wish to state that I never saw a more orderly and better disposed and more easily controlled body of men, each man apparently seconding every effort and wish of the officers to sustain under trying circumstances a well-earned reputation for discipline and loyalty. A few weak men yielded to temptation and persuasions and deserted their flag for another service. Whatever character they may assume with their confederates, that borne in our service is, in every case coming to my knowledge, sustained by their acts on deserting, and carries conviction that the army alone is the gainer.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

P. S.—Three days from Brazos Santiago, on the 22d instant, spoke the Star of the West, bound to that port. Three companies of the Third Infantry and two of the Second Cavalry, with Colonel Backus and Major Backus [Sibley], will probably embark upon her.

[Inclosure No. 1.]

FORT BROWN, TEX., *March 4, 1861.*

Lieut. Col. E. BACKUS,
Third Infantry, Commanding Ringgold Barracks, Tex.

COLONEL: By authority and in the name of the general-in-chief I call upon you to act as circumstances may indicate the best for the service for the following purposes:

First. To dispatch the accompanying communication to the commander of Fort McIntosh, and in case the garrison of that post is marching or is to march in this direction, to expedite, if necessary, the movement and arrange that they do not want for provisions, &c.

Second. To hasten Major French's command to this post.

Third. To repair to this post, as soon as practicable, and also dispatch here Captain Bowman's company, giving the preference to the battery, if Major French's command has not passed your post and a steamer be available and his progress be expedited.

Fourth. To leave at your post in charge of agents appointed by you for the Government, or otherwise dispose of it according to regulations, property which will not be needed and interferes with your progress, and to bring the provisions on hand which will not be required for the troops above.

I wish to take from this post with the artillery two companies of infantry, and desire to re-enforce this garrison by every man that can be obtained from above. Funds to defray expenses of transportation will be furnished on arrival.

I am, colonel, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Sub-inclosure, No. 1.]

FORT BROWN, TEX., *March 4, 1861.*

Maj. C. C. SIBLEY,
Third Infantry, Commanding Fort McIntosh, Tex.

SIR: Under the impression that you with the garrison of Fort McIntosh may be marching in this direction or intending to march, and have received no orders from department headquarters to move toward San Antonio, in the name and by authority of the general-in-chief I call upon you to hasten to this post. Funds to defray expenses of transportation will be supplied on arrival. If you have knowledge of the advance in this direction of the troops from above, I desire you to communicate and hasten their march. Provisions are not abundant here, so you must husband your supply.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Sub-inclosure No. 2.]

FORT BROWN, TEX., *March 4, 1861.*

Maj. W. H. FRENCH,
Comdg. Battalion First Artillery, en route to Fort Brown, Tex.

SIR: I have caused to be sent to your aid several wagons pertaining to this command, and by authority of the general-in-chief urge you to hasten to this post. On arrival, you will be furnished with orders for the future. If Captain Bowman's company be in your rear and en route, needing aid to bring him here with expedition, I desire you to press on to him any of this transportation which can be spared.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Inclosure No. 2.]

FORT BROWN, TEX., *March 4, 1861.*

COMMANDING OFFICER, *Fort Brown, Tex.*

SIR: I have the honor to deliver for your immediate action, and for transfer to the senior with the detachment to embark on the steamer Daniel Webster, now at Brazos Santiago, the orders for the removal of the artillery from Texas, which orders indicate infantry may embark on the same vessel. By the authority and in the name of the general-in-chief I call upon you to hold in readiness to embark with the artillery the two companies of the Third Infantry now at hand. If possible to take it another company will be ordered on board. The security of this post, until all the troops moving here shall be ready to embark, will alone, under existing circumstances, cause this infantry, or a portion of it, to be left here. For reasons of which the demand will indicate

the necessity, especially when known that the steamer is not very capacious and was not chartered to carry so large a command, I have to insist:

First. That beyond the batteries, arms, ammunition, &c., all supplies, public material, and company luggage be left behind, to be disposed of under future orders, or carried off for these companies by the other troops.

Second. That the men go on board with five days' cooked provisions and canteens filled, about two days' hard bread, and other parts of the ration may be supplied from the stores on board.

Third. That before the troops the batteries be sent on board and as much of the luggage as possible, and when prepared the troops embarked as rapidly as possible.

I have quartermasters' funds (specie on board ship and deposit in New York) to defray the expenses of transportation, and will transfer them to your quartermaster as they may be required, and also leave some here on my departure.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Inclosure No. 3.]

RINGGOLD BARRACKS, TEX., *February 6, 1861.*

Maj. F. J. PORTER,
Assistant Adjutant-General, Fort Brown, Brownsville, Tex.

MAJOR: Your letter of March 4 reached me at daylight this morning and found me executing nearly every item of your instructions. I sent an express to Major Sibley two days since urging him to move at once for Brownsville. I sent another express this morning with your letter, and hope it may meet him on the road. I leave forage for him at this post; he has subsistence sufficient to take him down. Major French will probably reach you before this letter; he left Edinburg this morning. Company A, Third Infantry, leaves by land to-morrow, and should be at Brownsville on the 11th. The baggage goes by steamer, and, being an invalid, I shall go by the same means. I send down all the corn and flour we can spare. Major French wrote in pencil on the envelope of your letter to me something about a train coming up for my use and for Major Sibley's use. If a train comes it will be sent to meet Major Sibley and expedite his movement. Our property is already on board the steamer Mustang, and we need no train.

I am, most respectfully, major, your obedient servant,

E. BACKUS,
Lieutenant-Colonel Third Infantry, Commanding.

[Inclosure No. 4.]

ARTILLERY BATTALION,
Camp at La Blanca, Tex., about Fifty Miles from Brownsville,
March 6, 1861—1 p. m.

Maj. F. J. PORTER,
Assistant Adjutant-General, U. S. Army, Fort Brown, Tex.

MAJOR: Your communication of the 4th instant reached me in camp at 3.30 p. m. yesterday at the Tortugas, thirty-three miles from here. I met the wagons this morning at 7.30 o'clock six miles this side of Edinburg. The heat of the weather and the lengthened marches com-

pelled me to take all the wagons for my command, particularly as Major Shepherd has seized three of my wagons for his own use at Duncan, obliging me to throw out on the road ordnance stores to lighten my forge and battery wagons and causing unnecessary privations to my men. I will be in Brownsville on the day after to-morrow morning. The two communications for Forts Ringgold Barracks and McIntosh were at once sent forward.

I am, major, very respectfully, your obedient servant,

WM. H. FRENCH,
Brevet-Major, U. S. Army.

P. S.—I left Duncan at 3 p. m. 20th ultimo.

[Inclosure No. 5.]

FORT MCINTOSH, TEX., *March 9, 1861.*

Maj. F. J. PORTER,
Assistant Adjutant-General, Fort Brown, Tex.

MAJOR: I have the honor to acknowledge the receipt of your letter of the 4th instant, and in reply have to state that I shall commence the march with the garrison of this post at the earliest moment possible. Transportation cannot be in readiness before day after to-morrow. I shall take rations for the command for thirty days. I have heard of no troops from above on the march in this direction. It was rumored that the garrison of Fort Duncan were to have commenced the march several days since; doubtless on San Antonio.

I am, sir, very respectfully, your obedient servant,

C. C. SIBLEY,
Major Third Infantry, Commanding Post.

[Inclosure No. 6.]

FORT BROWN, TEX., *March 9, 1861.*

Maj. W. H. FRENCH,
Comdg. Battalion First and Second Arty., Fort Brown, Tex.

SIR: I have the honor to inform you that the steamer Daniel Webster lies off Brazos Santiago prepared, except with a supply of water, to receive your command. Water will be sent by the first steamer communicating, which will be the one taking a battery. I am directed to take on board as many infantry as the steamer can carry to Key West, and have caused to be held in readiness the two companies of infantry now here. I desire these companies to embark with you, and also a third company, if it arrives in time to cause no delay, unless the future commander shall require them to remain to secure this post, and the supplies needed for the troops en route to it, until all are ready to embark. The ship will necessarily be crowded for three or four days, but if the suggestions in my letter of the 4th instant to the post commander be carried out, much inconvenience will be avoided.

I inclose a list* of supplies on board ship. Medical supplies will be required for the voyage, and a hospital steward to be left at Fort Taylor. I have arranged to the utmost of my power to facilitate your movements, and if I can in any manner aid you in future it will be my pleasure as well as my duty.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

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* See Porter to commanding officer, Fort Brown, p. 18.

[Inclosure No. 7.]

FORT BROWN, TEX., *March 9, 1861.*

COMMANDING OFFICER, *Fort Brown, Tex.*

SIR: I to-day notified the commander of the artillery battalion to embark on the steamer Daniel Webster; that I desired, under the authority of the general-in-chief, to embark with him the two companies of infantry now here, and a third company, should it arrive in time to cause no delay, unless the commander of this post shall require them to secure this post, and the supplies needed for troops en route to it, until all shall be ready to embark. I do not insist upon removing these infantry companies, though I am anxious to do so, and will be much gratified to know that I can remove them without fear of a collision between the future garrison and the authorities of Texas.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Inclosure No. 8.]

FORT BROWN, TEX., *March 10, 1861.*

Capt. W. B. JOHNS,
Third Infantry, Commanding Fort Brown, Tex.

SIR: By order of the general-in-chief I call upon you to turn over the command of this post to the proper officer and unite your companies to those which are to embark on the steamer Daniel Webster. Brevet Major French is the senior officer, to whom you will report. Lieut. J. W. Alley, acting assistant quartermaster and acting assistant commissary of subsistence, will remain to turn over the property for which he is and may become responsible, and then be ordered to join his company.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Indorsement.]

[On a copy furnished Captain Stoneman was added:]

Copy for the information of Capt. George Stoneman, First [Second] Cavalry, who will relieve Captain Johns in command of the post.

By command of Lieut. Gen. Winfield Scott:

F. J. PORTER,
Assistant Adjutant-General.

[Inclosure No. 9.]

HEADQUARTERS,
Fort McIntosh, Tex., March 11, 1861.

Maj. F. J. PORTER,
Assistant Adjutant-General, Fort Brown, Tex.

MAJOR: I have to report that I shall commence my march for Fort Brown to-morrow. I was not able to move to-day in consequence of unavoidable delay in procuring the necessary transportation—Mexican carts.

I would state that I received an express order to-day from San Antonio, by which Major Nichols informs me that it was the intention of the commander of the department to order the troops at this post and Ringgold

Barracks via San Patricio and Indianola, as the object no doubt is to get the troops out of Texas with as much dispatch as possible. I shall not change my arrangements of marching on Fort Brown.

I am, sir, very respectfully, your obedient servant,

C. C. SIBLEY,
Major Third Infantry, Commanding Post.

[Inclosure No. 10.]

MOUTH OF THE RIO GRANDE, *March 13, 1861.*

Maj. W. H. FRENCH,
Commanding Battalion of Artillery and Infantry,
Mouth of the Rio Grande, Tex.

MAJOR: I contracted to-day with the agent of the Southern Steamship Company to transport on the steamer Rusk to Tortugas and Key West such portion of your command as cannot be embarked on the Webster. The contract I inclose, and inform you the Rusk will be at your disposal; and I desire, in the name of the general-in-chief, that you will consider your instructions so amended as to authorize you to take her.

I am, major, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Inclosure No. 11.]

MOUTH OF THE RIO GRANDE, *March 13, 1861.*

Lieut. Col. E. BACKUS,
Third Infantry, Commanding Fort Brown, Tex.

COLONEL: A steamer will be at Brazos on Monday or Tuesday to take troops to Tortugas and Key West, and I wish Assistant Surgeon L'Engle, or any other medical officer at hand, ordered, in the name of the general-in-chief, to join the command on board for duty at Fort Jefferson, Tortugas. I desire the company of infantry now with you to be held in readiness to embark on the same steamer, to be transferred to one at Key West to sail to New York harbor. I will give you timely notice by express when it should be at Brazos Santiago. I think, however, there is little chance of its going, but I notify you that no delay may arise. I make these calls by authority of the general-in-chief.

I am, colonel, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

P. S.—If an hospital steward can be spared be pleased to order him to accompany Assistant Surgeon L'Engle, to be assigned to duty at Key West.

F. J. PORTER,
Assistant Adjutant-General.

[Inclosure No. 12.]

FORT BROWN, TEX., *March 16, 1861.*

Maj. F. J. PORTER,
Assistant Adjutant-General, Mouth of the Rio Grande, Tex.

MAJOR: The mail brought me letters* from Major Sibley, which I inclose that you may read. He will probably be at Ringgold to-mor-

* Not found.

row, where he will meet my train and forage. I send you a copy of Major Nichols' letter of March 7. I presume Colonel Waite was not then aware of the orders you had issued by the authority of General Scott. Major Sibley is to come this way, as Major Vinton writes to him. I think all of the troops present should, if possible, embark at Brazos, or at the mouth of the river. Doctor L'Engle will come down to-morrow I suppose. The hospital steward (Bowie) I have not found. I sent him an order to report at this office (through Captain Stoneman). I have heard from neither. On my return I found Captain Stoneman had moved his camp out of town. I suppose he will go to Green Lake if he can get there. Major Sibley may be here in eight days. I shall have no guard after Captain Bowman leaves. If the information I send you induces any change please send me a note by expressman to-night, so as to reach me early to-morrow. I sent an express to Major Sibley yesterday. I shall know what medical officer is coming very soon. The provisions I will not send down until I hear from you.

Very truly, yours,

E. BACKUS,
Lieutenant-Colonel Third Infantry, Commanding.

P. S.—I have kept no copy of this. Bowie, the steward, is said to have deserted last night.

E. B.

HEADQUARTERS,
Camp on Green Lake, Tex., April 11, 1861.

Maj. W. A. NICHOLS,
Assistant Adjutant-General, Hdqrs. San Antonio, Tex.

MAJOR: The Empire City will doubtless sail to-morrow morning. Major Sibley still delaying, I have ordered Captain Johnson, Second Cavalry, with the Fort Mason garrison, to report to Major Shepherd. He will do so to-day, and, as the weather is very favorable, the troops will almost certainly embark to-morrow. Captain Johnson will return to camp in case Major Sibley arrives this evening.

There will then be left here for the Star of the West, if Captain Johnson's command goes—Major Sibley's three companies, say 200 persons; Captain Granger's and Captain Wallace's companies, 141 persons; non-commissioned staff and band, First Infantry, 17 persons; Captain Jordan's company (D), Eighth Infantry, 45 persons; my company (A), Eighth Infantry, 52; total, 455. This number may be increased ten by the detached men and laundresses on the way.

* * * * * * *

Very respectfully, your obedient servant,

LARKIN SMITH,
Brevet Major, Commanding.

Memorandum of movements in Texas.

Lieutenant Collins left Washington March 20 with the original dispatches to Colonel Waite. Arrived at Powder Horn, Tex., at 8 a. m. March 29. Left an hour after for San Antonio, where Colonel Waite was. His dispatches were opened by Captain King, First Infantry, commanding at Indianola, and he then proceeded on to San Antonio.

Lieutenant Bell started from Washington March 22. Arrived at Indianola at the same time with Lieutenant Collins, but had no com-

munication with him. His dispatches, containing the postscript added to the original addressed to Colonel Waite, were opened by Captain King and sent to Maj. Larkin Smith, at Green Lake. Major Smith immediately dispatched an officer with them to intercept Lieutenant Collins on his way to Colonel Waite, at San Antonio, with orders to deliver them in person if he missed Lieutenant Collins.

Major Smith, in a letter of March 29 and in a memorandum, gives his reasons why the instructions in the dispatches could not be complied with, and why the embarkation of certain troops in readiness was not stopped:

Unless he has organized one within a few days (three) Governor Houston nor any other executive authority has any force in arms in defense of the Federal Government. Should an intrenched camp be established near Indianola the troops yet to arrive, especially those to come from the remote posts, will have their supplies cut off and be subjected to opposition from the whole State.

The only fresh water near Indianola is at Green Lake, about twenty miles off. There are no tools, ammunition, or horses with the six companies of cavalry. Colonel Waite has promised to carry out the agreement in good faith. All preparations are made to embark the companies on the steamer. If they should be delayed suspicious would arise among persons attached to the Southern Confederation on the spot; some officers and many men would leave. There was an officer (late of the U. S. Army, now of the Confederate, at Indianola) who had offered advanced rank to United States officers who would leave, and a change of plan would have turned those inclined to waver. It may be remarked that though the loss of such individuals might be small to the Government the disorganizing effect would be dangerous.

The following companies of the Second Cavalry and First Infantry, under command of Captain King, First Infantry, left the wharf at Powder Horn at 10 a. m. the 30th March, and at 3 p. m. had nearly embarked on the steamship Coatzcoalcos: Cavalry, six companies, dismounted; infantry, three companies—King's, Caldwell's, and Carpenter's; in all, about 610 officers and men.

The infantry companies of Captains Caldwell and Carpenter are to be landed at Key West. The steamships (transports) Empire City and Star of the West were off the pass. The U. S. steamer Mohawk (convoy) arrived off the pass at Indianola at 12 m. March 29 and took up a position to command the entrance.

Maj. Larkin Smith remained encamped at Green Lake March 30, the only company left there.

Colonel Waite writes at San Antonio, March 27:

In case difficulty between the General Government and the seceding States should result in hostilities there is reason to apprehend that an attempt may be made to prevent the embarkation of the troops and to detain them as prisoners of war. This can only be effected by their seizing and removing all lighters, preventing transports of light draft entering the bay at Indianola, and by cutting off our supplies of provisions, &c.

This is the colonel's reason for concentrating the troops at Green Lake. Colonel Waite reports that, besides the troops above enumerated, two companies Eighth Infantry and four companies Third Infantry were on their way to Green Lake, "and that probably before the end of the month (March) four additional companies will arrive at San Antonio on their way to Green Lake.* The remainder of the com-

* There were thirty-three companies in Texas. Seven companies would reach Green Lake by the 15th or 20th of April, as above.—[Inserted in red ink by General Townsend.]

panies in this department will reach Green Lake by the 15th or 20th April, except seven companies of the Eighth Infantry stationed at Forts Bliss, Quitman, Davis, and Stockton, which cannot be at the coast and ready to embark before the first week in May."

Lieutenant Bell states that the vessel laden with oil for the lighthouses on the coast of Texas which was seized some time ago by the Texas authorities had been released and allowed to depart.

CONFEDERATE CORRESPONDENCE, ETC.

THE STATE OF TEXAS, *County of Travis:*

By virtue of the authority vested in the committee of public safety, as will appear by the accompanying resolutions, adopted by the convention of the people of the State of Texas, by their delegates in convention assembled, at the city of Austin, on the 28th day of January, 1861, you, Thomas J. Devine, Samuel A. Maverick, P. N. Luckett and J. H. Rogers, are hereby appointed commissioners to visit Major-General Twiggs, commanding the Eighth Division, stationed at San Antonio, and confer with him, and in the name and by the authority of the people of Texas, in convention assembled, to demand, receive, and receipt for all military, medical, commissary, and ordnance stores, arms, munitions of war, and public moneys, &c., under his control, within the limits of the State of Texas, exercising all due discretion for the securing and safe-keeping of the same, to be held by you without loss or injury, subject to the orders of the committee of public safety, and in obedience to the provisions of such rules as the convention may prescribe.

Witness my hand and the order of the committee of safety. Done at the city of Austin, this 5th day of February, 1861.

JOHN C. ROBERTSON,
Chairman of Committee of Public Safety.

Attest:
THOMAS S. LUBBOCK.
JOHN A. GREEN.

[Inclosures.]

Resolved by the people of the State of Texas by delegates in convention assembled, That should the standing committee of public safety deem it essential to the public safety to appoint commissioners, officers, or persons, in reference to taking possession of any of the Federal property within the limits of this State, they shall have power to appoint such and assign to them their duties, and give them instructions under which they shall act; but this power shall only extend to such cases in which the committee may deem prompt action and secrecy absolutely necessary.

That a copy of this resolution, signed by the president of this convention, and the appointment and instructions signed by the Hon. J. C. Robertson, chairman of said committee, shall be full authority to the person or persons acting under the same, and a full justification for all acts done in pursuance thereof.

Done by the people of Texas, in convention assembled, by their delegates, at the city of Austin, this 2d February, A. D. 1861.

O. M. ROBERTS,
President of the Convention.

Attest:
JOHN A. GREEN.

Resolved, That Samuel A. Maverick, Thomas J. Devine, Philip N. Luckett, and James H. Rogers be appointed commissioners to confer with General D. E. Twiggs with regard to the public arms, stores, munitions of war, &c., under his control, and belonging to the United States, with power to demand in the name of the people of the State of Texas, and that said commissioners be clothed with full power to carry into effect the powers herein delegated, and retain possession of said arms, munitions, stores, &c., subject to the order of the convention of the people of the State of Texas, and report their acts and doings in the premises to the committee of public safety.

I certify the foregoing to be a true copy of the resolution adopted by the committee of public safety on the 4th day of February, 1861.

Witness my hand this 4th day of February, A. D. 1861.

JOHN C. ROBERTSON,
Chairman of Committee of Public Safety.

Attest:
THOMAS S. LUBBOCK.
JOHN A. GREEN.

AUSTIN, TEX., *February 3, 1861.*

[BEN. MCCULLOCH:]

The committee do hereby appoint you, Ben. McCulloch, military officer, and order you to hold yourself in readiness to raise men and munitions of war whenever called on by the commissioners of San Antonio, and to be governed as directed by the secret instructions given said commissioners concerning said command; and you will station yourself at the residence of Henry E. McCulloch and await the communications of said commissioners or the committee of public safety.

J. C. ROBERTSON,
Chairman Committee of Public Safety.

COMMITTEE ROOM, *Austin, February 6, 1861.*

Messrs. SAMUEL A. MAVERICK, THOMAS J. DEVINE, PHILIP N. LUCKETT and JAMES H. ROGERS.

GENTLEMEN: The resolution of the committee of public safety, by which you were appointed, gives the outline of your authority and duty. You are sensible that the trust reposed is of the highest responsibility and involves the most delicate and important duties. In the discharge of that trust you will be governed by the following instructions:

First. You will repair immediately to San Antonio, the headquarters of General Twiggs, in command of this department. You will ascertain from him his sentiments in regard to the existing state of affairs and the position he intends to occupy in reference to the withdrawal of Texas from the Federal Union. If he informs you that he intends to remain in the service of the Federal Government and execute its orders against Texas no further friendly conference with him will be desirable, and you will be governed in your conduct as hereinafter instructed. But if, on the other hand, he should express a determination not to remain in the service of the Federal Government after the 4th of March next, then—

Second. You will learn from him the terms and conditions upon which he will render up to the people of Texas the arms and public

property under his control in Texas; or, if he should suggest to you a plan for the peaceable accomplishment of that object you are directed to adopt and observe such suggestion, if deemed by you practicable, and act in accordance with it. If, however, he should decline suggesting any plan of action you will then—

Third. Demand of him, in the name and by the authority of the sovereign people of the State of Texas, a surrender of all the arms of every description, including quartermaster's, commissary, ordnance, and medical stores, and military stores of every description, and money and everything else under his control, belonging to the Federal Government.

Fourth. Should a display of force become necessary in order to make the demand, you will direct Col. Ben. McCulloch to call out and take the command of such force of the volunteer and minute men of the State as will be necessary for that purpose, and then repeat the demand; and then, if the demand should be complied with, you will take charge of everything turned over to you, taking a complete inventory and executing all necessary receipts. You will do everything in your power to avoid any collision with the Federal troops and to effect the peaceable accomplishment of your mission, and for this purpose he shall obey your instructions.

Fifth. If General Twiggs should indicate a desire not to turn over to you such military stores, arms, and other public property until after the 2d of March next, but a readiness to do so then, you will then enter into an arrangement to the effect that everything under his command shall remain in statu quo until that period; that no movement, change of position, or concentration of the troops under his command will be allowed; that none of the arms, ordnance, commissary, or military stores or other property shall be removed or disposed of. If he refuses to make such arrangements you will see that no such movement, change, concentration, or removal shall take place, and you are authorized to use every means to prevent the same.

Sixth. If after conferring with General Twiggs you should be of opinion that military force is necessary you will immediately proceed to assemble the same and communicate by express to this committee. Should the property be turned over to you, you will employ all the necessary clerks and other persons to take charge of the same. You will raise a military force of volunteers or minute men to guard the same safely while it shall be controlled by you. You are instructed to take the most special care that nothing shall be wasted or destroyed, but that everything be faithfully guarded and held for the use of the State and to be accounted for. Whatever military force that shall be raised must be kept in strict subordination, and no violation of person or property of any person must, under any circumstances, be allowed.

If after your arrival at San Antonio circumstances shall occur which are not covered by the foregoing instructions you will immediately report to the committee for further orders, unless they be so urgent as not to admit of delay, in which event you must use your discretion, but immediately report your course of action. You will take all pains to ascertain the tone and temper of the officers and men of the Federal Army, and may give them the assurance of the influence of Texas in securing to them the same or higher grades in the service of the Southern Confederacy as those now held by them, if they are inclined to accept the same. Take every pains to conciliate them and attach them in sentiment to the cause of Texas and the South. You will avoid every appearance of making a proposal to General Twiggs or any other

officer under his command which would wound a soldier's pride and honor. They should, however, be reminded that they have been stationed in Texas for the protection and not the subjugation of her people, and that patriotism is incompatible with warring against the liberties of their fellow-citizens.

You are specially charged, in the performance of the service assigned you, that you will do nothing that will conflict with the powers herein conferred. You will, from time to time, make full and complete reports to this committee.

J. C. ROBERTSON,
Chairman Committee of Public Safety.

SAN ANTONIO, *February 8, 1861.*

J. C. ROBERTSON, Esq.,
Chairman Committee of Public Safety:

The undersigned, in accordance with their instructions, called on General D. E. Twiggs, and by his request met him at 2 o'clock this afternoon, and in presence of Major Nichols we stated our mission and presented our credentials (which General Twiggs did not ask or evince the slightest desire to have read to him, or even to look at), and carried out our interview in accordance with the letter and spirit of our instructions as nearly as practicable.

General Twiggs expressed himself strongly in favor of Southern rights, and caused copies of his letters to the War Department to be read to the committee, in which he asserts that he will not be instrumental in bringing on civil war, and a great deal more in that line, which may mean something or nothing, according to circumstances, and he very significantly asserted that we had not seceded. He expressed a willingness to keep everything under his command as it now is until the 2d of March next, and would give us information if he should be superseded; and in the event of the State being in favor of secession would, on demand made by the convention, deliver all up, but expressed a fixed determination to march the troops under his command out with all their arms, transportation facilities, and extra clothing to be delivered to them, &c.

The undersigned, after considerable conversation on the subject of their mission, retired for consultation, and being desirous of avoiding, if possible, the necessity for collecting a force around the city for the purpose of compelling a delivery, Mr. Maverick was deputed to obtain from the general a statement in writing of what he was willing to do, in the hope that it would, under our instructions, be admissible. He refused to make any statement or give any pledge in writing. Upon ascertaining this fact we determined to send an express without delay to Col. Ben. McCulloch to bring as large a force as he may deem necessary, and as soon as possible, to San Antonio.

The substance of General Twiggs' conversation or verbal offer was this: That he will hold things as they are, and will, if in command on the 2d of March next, deliver to the commissioners all the public property that is not desirable or convenient for him to carry away on or after that time. He professed great admiration for the manhood, soldiership, and patriotism of General Scott, and is evidently inclined to imitate him in the present crisis in many respects. He is, no doubt, a good Southern man as far as hatred to black Republicanism can make a man such. There is, however, a higher element than hatred.

We do not know to what extent that element prevails with General Twiggs, but we are of opinion that General Twiggs will not permit it to interfere with what he believes to be due to himself. He spoke, during the interview, of his feeble health; of his having received an offer from Georgia for a command in that State, and of his having refused it on the ground of ill health. He referred to the great expenditure of the army, exclusive of the pay of the troops; said it is more than a million and a half, and inquired where Texas could obtain means to meet that outlay, which she would lose by seceding. These and other remarks on the question by him forced a somewhat unwilling conviction on the minds of the undersigned that he was decidedly averse to the secession of Texas. He mentioned the omission of Captain Ross to do full justice to Sergeant Spangler, and the omission of Governor Houston to give credit to Major Van Dorn for his success in the Comanche fight, and remarked that these were indications of the temper of Texas toward the officers and men of the army. The conclusion we have arrived at is this: that we must obtain possession of that which now belongs to Texas of right, by force, or such a display of force as will compel a compliance with our demands, and that without an hour's unnecessary delay. In all these movements, celerity, secrecy, and strength should be our motto.

If there are any men to spare on or near the Colorado we think it would be well for them, in as large numbers and as speedily as possible, to move toward the city to support, if necessary, Colonel McCulloch's movements. Whatever is to be done up North it is well should be done speedily. You had better inquire of Messrs. Hall and Hyde, of the Legislature, the condition of Forts Bliss and Quitman, as the men and munitions in those forts could be moved without delay to New Mexico, giving to the Federal Government at Washington a large body of troops to hold that country against the Southern movement, and thus build up a free State to injure and annoy us in the not very remote future. By referring to the inclosed order* you will perceive General Twiggs is preparing for a move.

We are decidedly of the opinion, for the reasons set forth with reference to New Mexico, that it will be unwise to permit a single company of U. S. troops to march from any portion of Texas into New Mexico. If the officers are determined to carry them to aid Lincoln's government let them go by the way of the coast, or we can disband them, if we so decide. We repeat it, we must not let a single company from Fort Bliss to Fort Brown leave the State by the Kansas, New Mexico, or any other route save the coast.

The captain commanding the ordnance department at this point is not friendly to our cause. He is said to be in possession of about $40,000 for the construction of the U. S. arsenal. What do you suggest respecting his being compelled to deliver it up, if in his possession, and what course do you suggest in the premises? We would like to have any suggestions or instructions you may consider necessary. We would adhere to them if circumstances demanded it—if in our power, if not, we will do what the emergencies of the hour demand, doing what we believe to be our duty and leaving the consequences to God.

In haste, we remain yours, &c.,

THOMAS J. DEVINE.
S. A. MAVERICK.
P. N. LUCKETT.

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* See circular of February 1, Series I, Vol I, p. 587.

SAN ANTONIO, BEXAR COUNTY, *February 8, 1861.*

Col. BEN. McCULLOCH.

SIR: The undersigned, by virtue of the powers vested in them by the committee of public safety, do hereby authorize and direct you, in the name and by the authority of the State of Texas, to call out and select such numbers of the volunteer force or "minute men" as you may deem necessary for securing and protecting the public property of San Antonio. Upon the assembling of the force you will proceed without delay to San Antonio and report to the undersigned when you arrive in the vicinity of the city.

THOS. J. DEVINE,
SAM. A. MAVERICK,
P. N. LUCKETT,
Commissioners of Committee of Public Safety.

FEBRUARY 9, 1861.

Col. BEN. McCULLOCH.

SIR: Having received information that the commissioners, Samuel A. Maverick and others, sent to San Antonio to confer with General Twiggs, have under their instructions called you into the field, the committee have resolved to confer upon you the military commission of colonel of cavalry, to date as of the 3d instant, in the district embracing a point on the Rio Grande half-way between Forts Duncan and McIntosh, and with the frontier to Fort Chadbourne, including San Antonio and all intermediate posts.

And in addition to the instructions given to the commissioners heretofore (with whom you are advised freely to confer on all subjects of interest as far as possible) you are instructed that should it be deemed advisable to retain any portion or all of the Federal troops in your district in the temporary service of the State, you can do so, and assure them that Texas will use her best endeavors with the Southern Confederacy to be formed to have them incorporated into the army of said Confederacy with the same rank now held by them. In case any or all of them should express a desire to depart from the country peaceably, you may permit them so to do upon such terms as will not dishonor them and as will insure the public safety, and in such manner as will insure safety to their persons and property.

The committee also desire that the commissioners will, under the powers heretofore given them, furnish such aid and assistance as may be deemed necessary In all other matters not contained in these or the previous instructions, you will observe your best judgment and discretion in any emergency which may present itself. Any information that you may desire to give to the committee will be expressed to John C. Robertson, Galveston, Tex.

JOHN C. ROBERTSON,
Chairman Committee of Public Safety.

Attest.

R. T. BROWNRIGG,
Secretary to Committee.

SAN ANTONIO, *February 10, 1861.*

JOHN C. ROBERTSON, *Chairman Committee of Public Safety.*

DEAR SIR: We have nothing to communicate since our letter of the 8th, unless it be the receipt of a communication from Colonel McCulloch

informing the undersigned of his having received our communication and that he expected to be at or near Seguin on the 13th or 14th with whatever force he could raise.

After dispatching our communication to you we determined, if possible, to prevent the necessity of resorting to a display of force around this city, and with that object in view we again communicated with General Twiggs in writing, requesting from him a written statement of what he was willing to do. The answer to this was an order to Major Vinton, Major Maclin, and Captain Whiteley to confer with the undersigned to transact such business as relates to the disposition of public property. On the receipt of this communication, on the morning of the 9th, we replied that we would meet the military commission at 12 o'clock that day, at such place as they might designate, and, if that hour did not suit their convenience, then at such time and place as they might designate that afternoon. The answer expressed a desire to meet the committee at General Twiggs', at 10 a. m. on the 11th. We will to-morrow present our request in writing, and the answer will enable the committee to judge with a reasonable certainty whether the whole proceeding is not intended for delay, until General Twiggs can call in several companies from the outposts and the additional re-enforcements of several soldiers en route with a provision train from the coast for Arizona. Upon one point General Twiggs is fixed and apparently unalterable—that is, that the troops in Texas under his command shall retain all their arms, with the means to carry them out of the State.

What do you think of that? Please give the views of the committee on this and every other subject connected with our mission as fully and speedily as possible. We again repeat that it is not desirable that a single company of U. S. troops shall move to New Mexico or Arizona. If the troops of the Northern Government concentrates in either of those Territories, we believe, from their peculiar position, that it will fix their status as "free soil" Territories, and leave us a nest of hornets to deal with in the future.

We will require means for the subsistence of the troops that may be called out by General McCulloch or from this city and vicinity. We desire some information on this point, as your committee must be aware that the readiness with which the necessary expenses are met in the commencement may have a salutary influence in many respects upon our cause in the future.

If there is any action had or information obtained respecting the Northern posts it might be desirable that we should be put in possession of such information, as it may influence our action materially.

Very respectfully,

THOS. J. DEVINE.
S. A. MAVERICK.
P. N. LUCKETT.

AUSTIN, TEX., *February 12, 1861.*

THOMAS J. DEVINE, S. A. MAVERICK, P. N. LUCKETT,
Commissioners.

GENTLEMEN: Your letter bearing date of the 10th instant to me has been received. In view of the committee's departure this afternoon for Galveston they cannot be got together, even if it were necessary. The result of the action of the committee on the subjects contained in this communication I think is full, and hope will meet your views.

The committee do not desire to dishonor the Army by requiring anything of them which would seem to do so. If you have to resort to force (actual), and are successful, then we suppose of course they would be vanquished and submit to your terms; but if you treat with them as gentlemen, as equals, of course we would not desire anything dishonorable to be yielded by them. But this is mere speculation on my part. The instructions, we think, will meet with your views; if not, you have a large discretion.

As to whether they should be permitted to go out into Arizona and New Mexico, the committee have very wisely left that matter discretionary with you. It is the opinion, however, of some of the committee that it can make but little difference in which direction they leave the country. It is suggested that they might land below the mouth of the Rio Grande and travel up into Arizona and New Mexico; beside, if it is the policy of the United States of the North to concentrate a force in those Territories, we could not prevent it by requiring these to go by way of the coast. It is a matter of some importance to know how they could subsist in those Territories at this time. The productions of those Territories could not subsist them a week without ruin to the few who are there. Many of the committee do not think General Twiggs would be so recklessly regardless of his native South as to inaugurate a guerrilla warfare upon her border.

But, gentlemen, you are in the midst of the circumstances, and can best judge of what to do. Relying upon your wisdom and prudence, we leave it with you. We will start to-day for Galveston, where we hope to get some money, and if successful we will promptly express a part to you. In behalf of the committee I assure you of our sincere desire for your success in your patriotic enterprise, and of our personal regard for each of you.

I have the honor to remain, your obedient servant,

JOHN C. ROBERTSON,
Chairman Committee of Public Safety.

SAN ANTONIO, *February 18, 1861.*

Hon. J. C. ROBERTSON,
Chairman of Committee of Public Safety.

SIR: We have at last completed the principal part of the business confided to our management. In our communication of the 8th instant we informed you that we had called in the aid of the volunteer force under Col. Ben. McCulloch. He arrived on the Salado, five miles from this city, on the evening or night of the 16th instant, with about 500 men, and marched into town about 4 a. m. with about one-half of his force, when he was joined by about 150 K. G. C.'s, and about the same number of citizens who were not members of the order, and about the same number from the Medina, Atascosa, and the country west of this city. At 5 o'clock the men were in positions around the arsenal, the ordnance, the Alamo, and the quarters in the commissary buildings occupied by one company of the Federal troops, and at the same time the tops of the buildings commanding the arsenal and ordnance ground were occupied.

We, in accordance with our instructions, repeated the demand, and after considerable delay came to an arrangement with General Twiggs, the substance of which was that the U. S. troops in San Antonio, 160 in number, should surrender up the position held by them, and that all

public property under the command of the officer in San Antonio to be delivered over to the undersigned, the troops to retain their side arms, camp and garrison equipage, and the facilities for transportation to the coast, to be delivered on their arrival at the coast.

This morning we effected an arrangement with General Twiggs by which it is agreed that all forts in Texas shall forthwith be delivered up, the troops to march from Texas by way of the coast, the cavalry and infantry to retain their arms, the artillery companies being allowed to retain two batteries of light artillery of four guns each, the necessary means of transportation and subsistence to be allowed the troops on their march toward the coast, all public property to be delivered up. We might possibly have retained the guns at Fort Duncan by a display of force, which display of force would have cost the State eight times the value of the batteries of light artillery. Your instructions, however, counseled avoiding collision with the Federal troops if it could be avoided, General Twiggs having repeatedly asserted in the presence of the military commission and ourselves that he would die before he would permit his men to be disgraced by a surrender of their arms; that the men under his command had never been dishonored or disgraced, and they never should, if he could help it.

By this arrangement at least $1,300,000 of property will belong to the State, the greater portion of which would be otherwise destroyed or squandered. By this arrangement we are freed, without bloodshed or trouble, from the presence of the Federal troops. They cannot go to New Mexico or Kansas to fix freesoilism on the one, or to be the nucleus of a Northern army on the other, to menace our frontier in the future.

The labor performed by the undersigned in the business undertaken by them has been neither light nor pleasant. We have adhered to the letter and the spirit of our instructions, and exercised our discretion only when it became absolutely necessary. We had some anxious hours resting upon us from the time the volunteer force commenced closing around the city until after the surrender of the posts held by the U. S. troops. Our force must have been, at 8 a. m., not less than 1,100 men under arms; and a more respectable looking or orderly body of men than the volunteer force it would not be easy to find.

We have taken measures to secure the public property, and have authorized Maj. Sackfield Maclin, paymaster, U. S. Army, and who, as you will perceive by the army list, stands high upon the same, to act as adjutant and inspector general and chief of ordnance, combining the business of three departments in one. This economizes expense and gives the State for the present the services of a man competent to the duties assigned him, capable of preventing the confusion and consequent loss that would fall upon the State by the appointment of an incompetent person. Major Maclin is a true Southern man; he resigns his commission in the Federal Army, giving up an income from that Government of nearly $4,000 per annum. We address him as colonel, for the purpose of giving him an honorable stand in his expectations or claims upon the Southern Confederacy in some future military appointment. His appointment by the undersigned lasts until set aside by you or the convention's order. Please let us know whether you approve of this action.

Captain Reynolds has been acting as assistant quartermaster at San Antonio. He will resign his commission as captain in the U. S. Army. We have, for the same reasons set forth in Major Maclin's case,

appointed him chief quartermaster, and have combined with the former duties the labor of the commissary department, which has heretofore had a first and second assistant commissary. We have likewise consolidated with his duties the office of military storekeeper, narrowing down the expense as much as possible. A building rented by the United States Government as a commissary department, soldiers' quarters, general staff, &c., we have determined to release the State from any liability for, as the commissary stores can be stored in the Alamo buildings; said buildings rent for $6,000 a year.

In furnishing the U. S. troops transportation facilities, the officers representing the State will be busily employed for some time. When we can obtain a breathing spell we will go into further details. We will select agents to give receipts and hold the public property left at the posts until otherwise directed.

We remain, respectfully, &c.,

THOMAS J. DEVINE,
S. A. MAVERICK,
P. N. LUCKETT,
Commissioners on behalf of the Committee of Public Safety.

HEADQUARTERS MIDDLE DIVISION, STATE FORCES,
San Antonio, Tex., [*February 18, 1861*].

Hon. J. C. ROBERTSON,
Chairman of Committee of Public Safety.

SIR: On the receipt of the order of the commissioners calling on me to raise men for the purpose of securing the property, arms, &c., of the United States at San Antonio, immediately I proceeded to take such steps to collect such a force as would be sufficient to accomplish the purpose. To Texans a moment's notice is sufficient when their State demands their services.

On the night of the 15th instant, by 12 o'clock, a force of near 400 men from the adjacent counties had assembled on the Salado. At 3 a. m. 16th we took up the line of march for the city. At 4 o'clock, when near the suburbs, ninety men were ordered to dismount and enter the city on foot, when I posted them in such positions as commanded those occupied by the Federal troops. The main body came in on horseback. At daylight several volunteer companies of San Antonio turned out promptly and co-operated with us to aid the State. Orders were given to the troops under my command not to fire until fired upon.

In a very short time it was ascertained that no resistance would be offered. The Federal troops were requested to keep within their quarters until the commissioners should agree upon the terms by which the arms and other property of the Federal Government should be surrendered to the State. This was decided by the commissioners and General Twiggs before 12 m. Wherefore I instantly informed the forces under my command of the fact, and of there being no necessity for their remaining away from their plows and other peaceful avocations. They left immediately for their homes, conscious of having rendered service to their State and giving offense to no one save her enemies.

To make distinctions where all acted so nobly would be as unwise as unjust; but I cannot refrain from expressing my thanks to all for their gallant and prompt response to the call of their State and my admiration for their orderly conduct whilst we held the city.

Having performed the duty assigned me by the inclosed order,* I now report myself ready to perform such service as shall be assigned me by your committee or the commissioners appointed by you. The commissioners have very kindly relieved me from many duties common to officers commanding, it being my duty only to organize and command such forces as may be necessary to secure and guard the public property in my division in charge of persons appointed by the commissioners to receive the same from the Federal officers. I have this day appointed W. T. Mechling my assistant adjutant-general, with the rank of captain.

BEN. McCULLOCH,
Colonel, Commanding.

NEW ORLEANS, *February 25, 1861.*

His Excellency JEFF. DAVIS:

We have reliable information that the U. S. troops from Texas are to pass through this city. Shall they be allowed to land? A large number of the officers and men can probably be secured for your service. Please advise me on the subject. General Twiggs was ordered to turn over the command to Colonel Waite, a Northern man, but preferred surrendering to Texas.

BRAXTON BRAGG,
Major-General, Commanding.

WAR DEPARTMENT,
Montgomery, February 25, 1861.

Maj. Gen. BRAXTON BRAGG, *Commanding, New Orleans.*

SIR: Your dispatch of this date to the President has been received, and in reply he instructs me to say that the question submitted for consideration is not altogether free from difficulty. The circumstances of the case are peculiar and exceptional, and must be disposed of in a spirit of liberal courtesy. It seems, therefore, to the President, if there was a formal capitulation by the troops of the United States or an informal understanding with the authorities of Texas upon which they acted, either in the surrender or abandonment of the forts, that they should have peaceful exit through the territories of the Government. This understanding should be carried out in good faith, upon their verbal assurance that their sole object is to reach the territory of the United States, and not to disturb the property or peace of any of the States of this Government through which they may pass, or to possess or occupy any of the forts, arsenals, or other property of this Government within these States. Should this assurance be refused, it will be your duty to arrest their progress, and keep them below Forts Jackson and Saint Philip until further ordered.

The President instructs me to add that he has entire confidence in your discretion and prudence, and feels satisfied that, whilst you scrupulously guard the honor and rights of this Government, you will do no act unnecessarily to precipitate a war. Should any of the officers or men desire to enlist in the service of this Government, it would be proper and right, and altogether acceptable, to receive them.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

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* See p. 30 for instructions of McCulloch.

SAN ANTONIO, TEX., *February 25, 1861.*

Hon. JOHN H. REAGAN.

DEAR SIR: Inclosed you will find the order of General Twiggs.* I send it that you may see what sort of spirit prevails in the army here, from General Twiggs down, with one or two exceptions. They will do nothing to benefit the South. This order itself is an insult to the commissioners and the people of the State; besides, is calculated to make a wrong impression and mislead everybody in regard to the terms of the agreement between the commissioners and General Twiggs, which are: they are simply allowed to leave the State by way of the coast with their arms, two batteries of light artillery being taken as the arms belonging to that branch of the service. Many of the officers, who are Southern men, say they will not serve Mr. Lincoln, yet they will neither resign nor do anything else to assist the section that gave them birth. I hope the Southern Confederacy will aid them as little in future as they are helping her now. What good will their resignations do the South after they have kept their commands embodied and turn them over with arms in their hands to Lincoln, to be placed in some Southern garrison on our coast, or otherwise used to coerce the Southern people? This force ought to be disorganized before it leaves this State. If the Southern Confederacy intends raising a regular army these men ought to be enlisted into her service at once. Let recruiting officers be sent forthwith to this place, Indianola, and Brownsville, or the mouth of the Rio Grande, with the necessary funds to pay the proper bounty, and you may depend upon it Mr. Lincoln will never get many of them to leave this State.

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Yours, truly,

BEN. McCULLOCH.

EXECUTIVE OFFICE,
Baton Rouge, La., March 6, 1861.

Messrs. MAVERICK, LUCKETT, and DEVINE,
Commissioners on behalf of the Committee of Public Safety of the State of Texas.

GENTLEMEN: I have, in compliance with the wishes of the authorities of your State, authorized Maj. Gen. Braxton Bragg, Louisiana army, to extend every facility and courtesy consistent with the safety of our State to the U. S. troops in transit through Louisiana by way of the Mississippi River. I take pleasure in stating to you that Major-General Twiggs, late commanding the Department of Texas, was recently welcomed to New Orleans with civic and military honors worthy of his bravery, his talents, and his long and very distinguished services.

I remain, gentlemen, very respectfully, your obedient servant,

THO. O. MOORE,
Governor of the State of Louisiana.

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*No inclosure found. Probably refers to order No. 5, of February 18, at p. 5.

MONTGOMERY, *March 16, 1861.*

Col. EARL VAN DORN, *Jackson, Miss.:*

Appointed colonel. You were ordered yesterday to Forts Jackson and Saint Philip. Would prefer your going to Texas and securing the U. S. troops for our Army. Immediate action necessary. Answer.

L. P. WALKER,
Secretary of War.

AUSTIN, TEX., *March 26, 1861.*

His Excellency JEFFERSON DAVIS, *President, &c.*

SIR: On yesterday the convention adjourned. On Saturday last, 23d instant, the ordinance of ratification was passed—made a finality, with but one dissenting vote.

I would draw your particular attention to the state of the former U. S. Army within this State. An impression had grown up before my arrival that the rank and file of the Army was not desirable by the President of the Confederate States, and nothing has been done to obtain their services in the Army of the Confederate States. I am satisfied from authentic sources that a large majority of the Second Cavalry could be obtained if the proper officer was here. You are aware, and certainly much better informed than I am, of the effect of discipline and the esprit de corps that exists even among the privates of any regular army. In addition to that, I am sure that our State service can afford no inducements, not only on account of the want of permanency, but really the want of respect and antagonism they feel to militia, volunteers, and uneducated officers. In addition, they feel some mortification as to their capitulation and the terms by which they feel they are expelled by State force from our territory.

I feel satisfied if Colonel Van Dorn was here holding the command, even though the necessities or requirements of the service might demand his removal within a short period, he could obtain the best men in the U. S. service. I would earnestly urge his being sent here immediately. They are now collecting in large numbers, and recruiting depots established at convenient points, each recruiting officer being of the former U. S. Army, and when obtainable attached to the Second Cavalry. Besides obtaining the flower of the old Army and weakening the power of our enemies, we save an enormous expense and obtain the best body of troops for our service. I hope this will have your most favorable consideration. In addition, there is a vast amount of arms, ammunition, transportation, horses, mules, &c., that require immediate attention.

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Yours, respectfully,

T. N. WAUL.

INDIANOLA, TEX., *March 26, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I have the honor to report my arrival at this place, and to inform you that the troops of the United States are yet in camp at Green Lake,

about twenty miles from the coast, awaiting transports to remove them. They are ignorant yet of their destination. I have seen but two of the officers, Maj. E. K. Smith and Lieut. Thornton A. Washington. The former has resigned, and is on his way to Montgomery to offer his services to the Southern Confederacy. Major Smith has always been considered by the Army as one of its leading spirits, and his career in Mexico and subsequently won for him from the Government during the administration of President Pierce, and when General Davis was Secretary of War, a high appointment in the Second Regiment of Cavalry. He is so well known to the President, however, that it would be superfluous to say anything to call his attention to his merits as an officer. If I have been appointed colonel of cavalry, as I have heard, it would be very gratifying to me to have him appointed lieutenant-colonel in my regiment.

Lieut. T. A. Washington has tendered his resignation, and has written to you by Major Smith, offering his services to the Southern Army. He was aide-de-camp to General Twiggs until the general left Texas, and was the adjutant of his regiment. He was also for a while the acting assistant adjutant-general at department headquarters. These positions, assigned him by his superior officers, will speak more in his behalf than anything I can say. He desires an appointment in the Quartermaster's Department or Adjutant-General's Department. He is well qualified to fill either station.

I think I shall have no difficulty in securing many of the troops and officers. I leave in a few minutes for the Green Lake camp. The Army, I am told by Major Smith, is strongly for the South, and he has no doubt but that the troops would all like to go with us if they had the opportunity.

Very respectfully, sir, I am, your obedient servant,

EARL VAN DORN,
Colonel, C. S. Army.

SALURIA, *March 30, 1861.*

J. H. REAGAN, *Postmaster-General Confederate States.*

DEAR SIR: I returned here late yesterday evening from Powderhorn. Colonel Van Dorn has not succeeded in engaging many of the officers or soldiers to join the army of the Confederate States.

There are some 500 soldiers assembled here, and two men-of-war and five sea-steamer transport vessels lying outside our bar to receive the troops here and as they arrive, and the Fashion is chartered by Captain King to remain here and lighter the men to the sea vessels. I very much fear the plan of Lincoln is to delay delivering up Fort Sumter until the whole Texas army can be concentrated for an attack on Pensacola, and by a brilliant stroke arouse Northern enthusiasm in favor of coercion.

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Yours, in haste,

HUGH W. HAWES.

Surrender of the U. S. Troops to the Confederate Forces as Prisoners of War.

UNION CORRESPONDENCE, ETC.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, April 17, 1861.

ADJUTANT-GENERAL U. S. ARMY, *Washington, D. C.*

SIR: I have the honor to inform you that a force of Texas State troops is now assembled in this city, and I have this evening learned that the officers, &c., here stationed will be arrested to-morrow and held as prisoners of war. Two transports have sailed with troops, and it is hoped and expected that the third, the Star of the West, will sail in a day or two with the whole force now in camp at Green Lake. There will then remain seven companies of the Eighth Infantry, numbering, say, 370, the headquarters of that regiment, and the headquarters of the department. The Eighth Infantry will not reach Indianola before the 10th of May, if permitted to proceed to the coast. This, of course, requires that a fourth transport should be sent out for the embarkation of these troops.

I am, sir, very respectfully, your obedient servant,

C. A. WAITE,
Colonel, U. S. Army, Commanding Department.

HDQRS. BATTLN. FIRST, THIRD, AND EIGHTH INFANTRY,
Saluria, Tex., April 25, 1861.

ADJUTANT-GENERAL U. S. ARMY, *Washington, D. C.*

SIR: I have the honor to report that I have this morning surrendered this battalion, consisting of two companies of the First Infantry, with the adjutant and non-commissioned staff and band of the same regiment, three companies of the Third and two companies of the Eighth Infantry, including nine officers, to the forces of the Confederate States under the command of Col. Earl Van Dorn.

Two unsuccessful attempts have been made by me to escape with this command, the Star of the West (transport) having been captured before we were able to reach her anchorage, off Matagorda Bay, and on the night of the 24th of April three steamers, having some 800 men and some pieces of artillery on board, coming down the bay, and taking up such a position as to prevent our retreat in the two small schooners in which we were endeavoring to make our escape, and a fourth steamer, with some 400 men, one 24 and two 6 pounder pieces of artillery, having early in the morning of the 25th taken up a position to prevent our escape by running out of the bay, I was obliged to capitulate under the most favorable terms which I could obtain.

The shores of this bay are extremely low and partially inundated, and the channel seems to be nearly one mile from the land. The pilots have constantly refused us both information and material assistance.

It is extremely unfortunate that the steamer Mohawk had left the coast at this time, as its presence might have saved us from this humiliating disaster.

It affords me pleasure, great pleasure, to state the officers and men of my command have shown the most unwavering loyalty to the Government, the men, with two exceptions, having taken the oath necessary for their return to the United States.

I inclose* herewith a copy of the terms of the capitulation; also copy of the parole given by the officers and the oath administered to the men. On my arrival with the command in New York I shall have the honor to make a more full and complete report.

I have the honor to be, sir, very respectfully, your obedient servant,

C. C. SIBLEY,
Major Third Infantry, Commanding.

CAMP NEAR SAN ANTONIO, TEX., *May 12, 1861.*

Col. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I take the earliest opportunity possible to inform you that the six companies of the Eighth Infantry under my command, while marching for the coast under the agreement made between General Twiggs (late of the U. S. Army) and the State of Texas, to the effect that the troops should leave the State, were met by a force under command of Col. Earl Van Dorn, of the Southern Confederacy, and made prisoners of war. This occurred on the 9th instant, at San Lucas Spring, fifteen miles west of San Antonio. The force under my command, comprising the garrisons of Forts Bliss, Quitman, and Davis, amounted to an aggregate, when leaving the latter post, of 320. This embraces ten officers, two hospital stewards, and twelve musicians. Colonel Bomford, Sixth Infantry, was also with the command. On the day of surrender my command numbered 270 bayonets, being thus reduced by sickness, desertions, and stragglers (some of whom have since joined) who remained at Castroville, from drunkenness, or other causes. The force opposed to me numbered, as (then variously estimated at from 1,500 to 1,700 men) since ascertained to be, was 1,370 aggregate, the total being 848 cavalry, 361 infantry, and 95 artillery, with 6 field pieces.

When the demand for a surrender was made I was told that the force opposed to me was overwhelming. I had halted in a good position for defense, and could have been overpowered only by a greatly superior force; and as none such was before me I declined to surrender without the presentation of such force. It was on the march, and soon came in sight, but I was not satisfied of its strength until an officer of my command was permitted to examine and report to me the character and probable number of the forces. Upon his report I deemed resistance utterly hopeless, and therefore surrendered. My command is now encamped near the head of the San Antonio River awaiting the orders of President Davis, to whom a messenger has been dispatched by Colonel Van Dorn. The officers on duty with the command were Captain Blake, Lieutenants Bliss, Lazelle, Peck, Frank, Van Horn, and W. G. Jones, Eighth Infantry; Lieutenant Freedley, Third Infantry; and Assistant Surgeon Peters, Medical Department. A more detailed report will be made as soon as practicable.

I am, sir, yours, respectfully,

I. V. D. REEVE,
Brevet Lieutenant-Colonel, U. S. Army, Commanding.

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*Omitted here. See subsequent report of June 3, with these inclosures, at p. 49.

CAMP NEAR SAN ANTONIO, TEX., *May 12, 1861.*

Col. L. THOMAS, *Adjutant-General U. S. Army.*

SIR: In connection with the report which I have this day forwarded, relating to the surrender of the battalion of the Eighth Infantry under my command to the forces of the Confederate States of America, near this place, I also present the following details of the latter part of the march and the circumstances which determined that surrender.

This report was not transmitted with the other, as it is extremely uncertain whether any reports of an official character are permitted to pass through the post-office here, or those elsewhere in the South.

On leaving Fort Bliss sufficient transportation could be procured to carry subsistence for only forty days, in which time it was expected the command would reach San Antonio, making some little allowance for detentions by the way.

At Forts Quitman and Davis stores were taken to last the commands from those posts to San Antonio, not being able to carry more with the transportation at hand. From Camp Hudson to Fort Clark persons were occasionally seen on the road who appeared to be watching our movements, but they said they belonged to rangers who had been on a scout.

At Fort Clark, where I arrived on the 2d of May, I learned that the mails had been detained for several days to prevent me from receiving information. It was reported by a stage passenger that the officers at San Antonio had been made prisoners of war. On all these subjects there were contradictory reports, and no information could be obtained which would warrant any hostile act on my part. Such supplies as were called for were readily furnished, and offers of services were proffered by the commanding officer. This did not look much like hostility, nor did I really suspect any. The garrison had been re-enforced (being about 200 men), the post fortified to some extent, guns loaded and matches lighted on our approach; yet there did not appear any hostile intent toward us, as the explanation for all this was, that they "had heard that I had orders to attack and take Fort Clark."

From this point rumors daily reached me, but so indefinite and contradictory as to afford no sure ground for hostile action on my part; and by taking such I could not know but I should be the first to break the treaty under which we were marching.

On reaching Uvalde, on the 5th (near Fort Inge), I felt more apprehension of hostility, though rumors were still very contradictory. To attempt, from this point, to return to New Mexico for the purpose of saving the command would have been impracticable, for I had but five days' rations, and our transportation was too much broken down to make the march without corn (which could not be had), even if everything but subsistence and ammunition had been abandoned. Behind us was the mounted force at Fort Clark, and a large mounted force said to be at San Antonio, reported to be from 700 to 2,000. At this time the only other method of escape left was to cross the Rio Grande, this being easy of accomplishment, but of very doubtful propriety, particularly as it was yet uncertain whether we should not only break the treaty with Texas, but also compromise the United States with Mexico by crossing troops into her soil.

On the 6th, while continuing our march, we heard that those companies at the coast had been disarmed, and that in all probability we would be also on our arrival there; that there would be a force of from 2,000 to 6,000 men against us. We then had no course open to us but to proceed, and, unless overpowered by numbers, to endeavor to fight

our way to the coast, with the hope that some way of escape would be opened to us. On the 7th we heard that there were not more than 700 men in San Antonio, and such a force I knew would not be able to overpower us; and still with strong hope that we might be able to advance successfully, I purchased (on the 8th) at Castroville a small additional supply of subsistence stores (all I could), enough for two days, which included the 12th instant, but could have been made to last several days, had I a reasonable prospect of seizing more in San Antonio. Before reaching Castroville I learned that there were troops encamped on the west side of the Leon, seven miles from San Antonio; that there were cavalry, infantry, and artillery, with four guns. I encamped on the 8th on the east side of the Medina, opposite to Castroville. Late that evening I heard that the enemy would march to surround us in our camp, and I had before heard that a section of artillery was on the way down from Fort Clark, following on our rear; and there was further report that it would pass us that night on the way to San Antonio. To avoid surprise and be in possession of plenty of water I marched that night at 12 o'clock to reach the Leoncito, six miles east of the Medina, and on my arrival there, finding no signs of the advance of the enemy, I marched on three miles farther to a point suggested and brought to my memory by Lieut. Z. R. Bliss, Eighth Infantry, called San Lucas Spring. There is quite a high hill a few hundred yards from the spring, having some houses, corrals, &c., which, together with the commanding position and a well of water in the yard, rendered this point a very strong one for a small command. This place is known as Allen's Hill. It is eight miles from where the enemy was encamped, and there I made a halt to await his advance, and parked the wagon train for defense; all of which preparations were made a little after sunrise on the 9th.

About 9 o'clock two officers approached, bearing a white flag and a message from Colonel Van Dorn, demanding an unconditional surrender of the U. S. troops under my command, stating that he had an overwhelming force. I declined to surrender without the presentation of such a force or a report of an officer, whom I would select from my command, of its character and capacity of compelling a surrender. The advance of the enemy came in sight over a rise of ground about a mile distant; and as the whole force soon came in sight and continued in march down the long slope, Colonel Van Dorn's messenger returned to me with directions to say that "if that display of force was not sufficient I could send an officer to examine it." I replied that it was "not sufficient." I directed Lieutenant Bliss to proceed, conducted by the same messenger, to make a careful examination of the enemy. He was taken to a point so distant that nothing satisfactory could be ascertained, and he informed his conductors that he would "make no report upon such an examination." This being reported to Colonel Van Dorn, he permitted as close an examination as Lieutenant Bliss desired. The enemy had formed line on the low ground some half-mile in front of my position, perpendicular to and crossing the road, and neither force could be plainly seen by the other in consequence of the high bushes which intervened. Lieutenant Bliss rode the whole length of the enemy's line within thirty yards, estimating the numbers and examining the character of his armament. He reported to me that the cavalry were armed with rifles and revolvers, the infantry with muskets (some rifles) and revolvers; that there were four pieces of artillery, with from ten to twelve men each; that he estimated the force at 1,200 at least, and there might be 1,500 (since ascertained to be 1,400). With this force before me, an

odds of about five to one, being short of provisions, having no hope of re-enforcements, no means of leaving the coast, even should any portion of the command succeed in reaching it, and with every probability of utter annihilation in making the attempt, without any prospect of good to be attained, I deemed that stubborn resistance and consequent bloodshed and sacrifice of life would be inexcusable and criminal, and I therefore surrendered.

Colonel Van Dorn immediately withdrew his force, and permitted us to march to San Antonio with our arms and at our leisure. We arrived there on the 10th, and on the 11th an officer was sent to our camp to receive our arms and other public property, all of which was surrendered.

I will state here that we have been treated, in the circumstances of our capture, with generosity and delicacy; and harrowed and wounded as our feelings are, we have not had to bear personal contumely and insult.

I am, sir, yours, respectfully,

I. V. D. REEVE,
Brevet Lieutenant-Colonel, U. S. Army, Commanding.

ORDERS, No. —. } HEADQUARTERS BATTALION EIGHTH INFANTRY,
San Antonio, Tex., May 12, 1861.

The following officers of the U. S. Army, viz, Bvt. Lieut. Col. I. V. D. Reeve, Eighth Infantry; First Lieut. Z. R. Bliss, Eighth Infantry; First Lieut. H. M. Lazelle, Eighth Infantry; Second Lieut. L. Peck, Eighth Infantry; Second Lieut. J. J. Van Horn, Eighth Infantry; Second Lieut. R. T. Frank, Eighth Infantry; Bvt. Second Lieut. W. G. Jones, Eighth Infantry; First Lieut. H. W. Freedley, Third Infantry; Asst. Surg. D. W. C. Peters, being made prisoners of war by the forces of the C. S. Army, will proceed to Washington, D. C., and report to the War Department as soon as permitted so to do by the authorities of the said C. S. Army.

I. V. D. REEVE,
Brevet Lieutenant-Colonel, U. S. Army, Commanding Battalion.

WASHINGTON, D. C., *May 25, 1861.*

Lieut. Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters of the Army.

SIR: It is my unpleasant duty to report, for the information of the general-in-chief, that on the 23d of April last the following officers, then on duty at San Antonio, the headquarters of the Department of Texas, were seized by an armed force, acting under what they term the Confederate States of America, and made prisoners of war, viz:

Col. C. A. Waite, First Infantry, commanding department.
Maj. W. A. Nichols, assistant adjutant-general.
Military Storekeeper R. M. Potter, Ordnance Department.
Surg. E. H. Abadie, Medical Department.
Asst. Surg. J. R. Smith, Medical Department.
Asst. Surg. E. P. Langworthy, Medical Department.
Paymaster D. McClure.
Capt. K. Garrard, Second Cavalry.

Bvt. Lieut. Col. D. T. Chandler, Third Infantry.
Lieut. Col. W. Hoffman, Eighth Infantry.
Bvt. Maj. J. T. Sprague, captain, Eighth Infantry.
Lieut. E. L. Hartz, Eighth Infantry.
Lieut. E. W. H. Read, Eighth Infantry.

Maj. D. H. Vinton, Quartermaster's Department, was subsequently arrested, and is now on parole.

On being arrested the officers were told that they must remain in confinement under a guard, or give their parole not to take up arms or serve in the field against the Confederate States, during the existence of the present hostilities, unless exchanged.

After mature reflection and a careful examination of the peculiar circumstances under which they were placed the latter alternative was accepted.

The main reasons which induced the officers to come to this conclusion were: that in their then condition they could perform no duty, nor be of the least service to the Government; by rejoining the Army they could be assigned to many important duties, the performance of which would not be incompatible with their parole, and thus still render some service to their country.

In justice to the officers, I must here state that great exertions were made and the most flattering inducements were held out by agents of the Confederate States for them to resign and enter that service. These officers having resisted these temptations, to which so many others yielded, is strong proof of their devotion to their country, and merits the favorable consideration of the Government.

I have reliable information (not official) that seven companies, under Major Sibley, Third Infantry—viz, two companies of the First, three companies of the Third, and two companies of the Eighth Infantry—were captured on the 23d ultimo off Indianola, and were immediately paroled and permitted to sail for New York. There are six companies of the Eighth Infantry, under Brevet Lieutenant-Colonel Reeve, which it is believed have also been captured. The last information (official) received from them was dated the 16th of April. At that time they were near Fort Lancaster. The impossibility of sending an express through the country for several weeks previous to my leaving San Antonio prevented my having more definite information in relation to this command.

Letter marked A will indicate the course adopted toward the captured troops, and documents marked B and C will explain the circumstances under which we were made prisoners.

In conclusion, permit me to express the hope and anxious desire of the officers on parole that they may be exchanged as early as practicable, and may be permitted to take an active part in the military operations.

I am, sir, very respectfully, your obedient servant,

C. A. WAITE,
Colonel First Infantry.

[Inclosure A.]

HEADQUARTERS C. S. ARMY,
San Antonio, Tex., April 28, 1861.

Col. C. A. WAITE, U. S. Army, *Present.*

COLONEL: I understand that Lieut. E. L. Hartz, Eighth Infantry, visited Captain Lee's company on yesterday, and exhorted them to be true to their allegiance to the United States, &c. When I granted

leave to visit the company I did not expect such a course would be pursued. I am compelled, therefore, to forbid any visiting, only in company with an officer of the C. S. Army.

When the men are to be visited Capt. James Duff will accompany the officer, or some other officer will be detailed by him.

Your obedient servant,

S. MACLIN,
Major, C. S. Army, Commanding.

[Inclosure B.]

Memorandum relating to the arrest of Colonel Waite, U. S. Army, and the officers of the Army on duty at San Antonio, Tex.

SAN ANTONIO, TEX., *April 23, 1861.*

Captain WILCOX (with his sword, commanding Texas troops). Good morning, colonel. (At Colonel Waite's quarters, Colonel Waite and Major Sprague only present.)

Colonel WAITE. Good morning, sir.

Captain WILCOX. I have come to request you to go over to Major Maclin's office.

Colonel WAITE. For what purpose, sir?

Captain WILCOX. As a prisoner of war.

Colonel WAITE. What authority have you?

Captain WILCOX. I have authority from Major Maclin.

Colonel WAITE. Who is Major Maclin?

Captain WILCOX. An officer of the Confederate States.

Colonel WAITE. I do not, sir, recognize any such authority. Have you the authority? I should like to see it.

Captain Wilcox then took from his pocket an order from Major Maclin, which Colonel Waite read, directing him to proceed with his company and arrest the officers of the United States Government in San Antonio.

Colonel WAITE. I protest against any such act, and will not obey the order, except by force. Have I committed any offense?

To which Captain Wilcox replied, "None that I know of." "It is, then," said Colonel Waite, "a most unwarranted act of usurpation, and in violation of the modes and customs of civilized warfare, and a gross outrage upon my individual rights. I protest against it in the name of my country. Your authority I do not recognize, nor will I obey any order from you. Nothing but the presence of a force greater than I can overcome will cause me to relinquish my personal freedom. There is nothing in history to equal this usurpation." Thereupon Captain Wilcox said, "I have the force," and started for the public storehouse, and immediately returned with thirty-six footmen, Texas troops, armed with rifles and saber bayonets. The command was halted in front of Colonel Waite's quarters, when Captain Wilcox entered the house. Colonel Waite then walked to the door, and upon looking out remarked, "Is that your guard, sir?" "Yes, sir," replied Captain Wilcox. "These are more men," remarked Colonel Waite, "than I can resist, and I again protest, in the name of my country, against this gross and unwarranted act of usurpation and the violation of personal rights. Where do you wish me to go, sir?" "To the ordnance office, sir," said Captain Wilcox.

Colonel Waite then took his hat and passed to the front of the guard, when arms were shouldered, and the crowd proceeded through the pub-

lic street. As Colonel Waite was passing into the custody of the guard, Major Sprague said to Captain Wilcox, "Do you consider me as one?" "Yes," he replied; "come along." "Then," said Major Sprague, "I concur fully in every word uttered by Colonel Waite in regard to this outrage."

Major Sprague then joined Colonel Waite, and proceeded amid a crowd of boys. Arriving at the building where the public offices are, the command halted, and Captain Wilcox ordered the other officers, viz, Maj. W. A. Nichols, assistant adjutant-general of department; Maj. Daniel McClure, Pay Department; Brevet Lieutenant-Colonel Chandler, Third Infantry; Capt. K. Garrard, Second Cavalry; Dr. E. H. Abadie, Medical Department; Dr. Joseph R. Smith, Medical Department; Dr. E. P. Langworthy, Medical Department; Capt. A. T. Lee, Eighth Infantry; Lieut. E. L. Hartz, Eighth Infantry; Lieut. E. W. H. Read, Eighth Infantry; and Capt. R. M. Potter, military storekeeper, who had been previously arrested, and were within the building in charge of a sentinel, to proceed. The officers in a body, under the guard, proceeded to the office of Major Maclin. After a few moments' silence Major Maclin said:

"Colonel Waite, it becomes my duty to arrest you and the other officers as prisoners of war."

"By what authority, sir?"

"That is my business, sir, not yours," responded Major Maclin.

"But," said Colonel Waite, "I should like to know by what power I am deprived of my personal rights."

"I have the power from the President of the Confederate States," answered Major Maclin.

"Such authority I do not know, nor shall I obey it," said Colonel Waite. "Have I or my officers committed any offense? Did we not come here as friends, and have we not been such to all the interests of Texas? More than that, is there not an agreement with the Texas commissioners, guaranteeing to the men and officers—my entire command—to go out of Texas unmolested? That, sir, has been carried out faithfully on our part, in every respect. By what right am I to be restricted of my liberty? and by what authority am I and my officers made prisoners of war? I protest against it."

"There is no use of protesting," said Major Maclin. "I do not wish to hear any protest; it is unnecessary. I have my orders."

"But I will protest," replied Colonel Waite. "In the name of my Government, I protest. I denounce it as an act of unwarranted usurpation, and against the custom of war, and in violation of my personal rights. I suppose you intend to regard the rights and customs of civilization. I know no war. We have been acting as friends. We are not here in a hostile attitude. We came into the country as friends, and are going out as such."

"Yes," responded Major Maclin; "I have my duty to perform, and shall do it."

"I repeat," said Colonel Waite, "it is gross, unheard-of, unwarranted, and treacherous. Nothing but the presence of a force requires me to listen to such measures, much more obey them. Had I the means it would be quite different. I would resist until death."

"I am aware of that," answered Major Maclin. "I have as much confidence in the courage of your officers as you have."

"What do you propose?" inquired Colonel Waite. "I am obliged to consider myself a prisoner, and should like to know the future."

"I have here, sir," replied Major Maclin, "paroles (handing a manuscript to Colonel Waite), which the officers are at liberty to avail themselves of."

One of these was then read by Colonel Waite.

"Such a paper I shall not sign," said Colonel Waite, indignantly; "it is highly objectionable, and I shall remain a prisoner."

"Very well," answered Major Maclin; "these paroles will not be presented to you again, without you request it."

"What rank do you hold, sir?" inquired Colonel Waite.

"I am a major."

"In the Provisional or Regular Army, sir?" inquired Colonel Waite.

"In the Regular Army, sir."

A general conversation ensued among all parties, in which there was much angry excitement. Major Maclin improved the first opportunity to speak, and remarked that he should send the officers to Victoria, 100 miles distant, to Colonel Van Dorn's headquarters, and desired to know how soon Colonel Waite could be ready, and suggested to-morrow, even intimated to-day, whereupon Colonel Waite and the officers present said it was impossible to arrange their family affairs in so short a time.

"How long a time, then," asked he, "do you desire? One, two, or three days?"

"I presume we can have transportation," suggested Colonel Waite.

"There will be transportation for you, sir," responded Major Maclin, with emphasis and anger.

Again a general conversation took place; still much excitement evinced among all parties. The inquiry was made of Major Maclin if he had any discretion in the matter. He replied that he had none. The character of paroles and the rights of prisoners then became a general subject of conversation. Each officer present said he desired at least twenty-four hours to consider the subject, as it was of great importance. Colonel Waite asked for one of the manuscript paroles, when Major Maclin, in a very offensive manner, declined, saying he had use for them. This again caused much evident excited and indignant feeling.

"It is my desire," said Colonel Waite, "to put some officer in charge of our soldiers to be left here as prisoners, should I accept a parole, to attend to their personal rights, police, and comfort."

"You need have no concern about that, sir," responded Major Maclin; "we will save you that trouble; we will attend to that. No officer will be permitted to have anything to do with them. You will not be allowed to give any orders here."

Colonel Waite, in answer: "It is your wish and object to corrupt them, and to force them into your service; but they wont stay with you; they will desert."

"Your language, sir," said Major Maclin, "is offensive. I cannot permit it."

Colonel Waite replied: "The facts, sir, are doubtless offensive. My language is not intended to be offensive. I will talk and state the facts. I also claim the right to send an officer to my Government with sealed dispatches on parole."

"That, sir," replied Major Maclin "will not be allowed."

"But," said Colonel Waite, "can I not make my official report? To send an officer to headquarters after important events is the custom of all armies and troops among civilized people."

"Perhaps it is, sir," replied Major Maclin.

After a long conversation, and the excitement somewhat abated, Major Maclin was asked if he would grant to each officer twenty-four hours to consider upon the subject, when they would report to him in person their determination. To this he agreed, and permitted each officer to take one of the manuscript paroles for consideration. The guard at the door was then dismissed, and the officers retired.

WEDNESDAY, *April 24, 1861.*

The officers assembled at 12 m. to-day at the office of the commanding officer, Major Maclin, as agreed upon yesterday. No further modification could be had other than the terms offered yesterday, excepting a provision for exchange as prisoners of war, and the privilege to Colonel Waite to report the facts and past transactions to his Government. They now were offered the acceptance of the paroles, or to be considered close prisoners of war. There was no alternative but to be subjected to the rabble; to crowds of undisciplined troops, regardless of authority or control; to the vindictive and active prejudices of men in temporary authority, swayed by spleen and disappointment, as well as infidelity to the General Government in former commissions, who had already stipulated terms, or take the paroles offered and ask safe conduct out of the State. The latter was determined upon as the only method which could secure safe egress or escape, and place us within the authority of the United States Government. Each officer took his parole under the protest made by Colonel Waite the day previous.

[Inclosure C.]

SAN ANTONIO, TEX., *April 24, 1861.*

On the morning of the 23d of April, 1861, about 12 m., Captain Wilcox, commanding a company called the Alamo Rifles, entered the office of Colonel Waite, U. S. Army, and inquired for Colonel Waite. He was informed that he was at his quarters. Captain Wilcox then said to the officers present, viz, Lieutenant-Colonel Chandler, Captain Garrard, and Assistant Surgeon Smith, "Gentlemen, I am directed to arrest you, and take you over to Major Maclin's quarters." Colonel Chandler inquired, "By what authority, sir?" Captain Wilcox replied, "By authority of the Confederate States," and offered to show his order directing him to make the arrest. Colonel Chandler then said, "How do you arrest us; as prisoners of war?" Captain Wilcox replied, "Yes, sir; as prisoners of war." Colonel Chandler then replied, "I do not recognize your authority, sir, and refuse to obey your orders. I decline going to Major Maclin's office unless you have an armed force with you." Captain Wilcox answered, "I have a force, sir," and pointed out of the window to a detachment of about thirty-six armed infantry. Colonel Chandler then said, "I surrender myself to you as a prisoner of war, reserving to myself the right of protesting against these proceedings." The other officers present, when called on by Captain Wilcox, replied, "Sir, we surrender on the same terms." Captain Wilcox then said, "Gentlemen, will you go over to Colonel Waite's quarters with me?" Colonel Chandler replied, "We are your prisoners, and will go if you order us." Captain Wilcox then said, "You remain here." He then left the room, and the officers remained in it, under charge of a guard, until Captain Wilcox returned after arresting Colonel Waite, when they were marched, under charge of the guard, to Major Maclin's office, in company with other officers who had been taken prisoners.

HDQRS. BATTLN. FIRST, THIRD, AND EIGHTH INFANTRY,
Camp near Fort Hamilton, N. Y., June 3, 1861.

Bvt. Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: Having already made a brief report of the capture of this command, I have now the honor to submit the following additional particulars connected with the embarkation of the troops and the capitulation in Matagorda Bay on the 25th of April:

Of the seven companies comprised in this command, the three companies of the Third Infantry arrived at Indianola on the 13th of April, at which date I relieved Lieutenant-Colonel Backus in the command, and encamped in rear of the town to await the arrival of the troops designated as a part of the complement number for embarkation on the steamer Star of the West, then lying off the coast near the mouth of Matagorda Bay. On the 17th these troops, consisting of the adjutant and non-commissioned staff and band, and two companies of the First Infantry and two companies of the Eighth Infantry, arrived at my camp, when I immediately marched with the whole command to the wharf at Indianola, where the baggage, camp, and garrison equipage, and stores were stowed on two small steamers, which had been engaged as lighters to convey the troops to the Star of the West. The troops slept on the wharf on the night of the 17th, and embarking early in the morning of the 18th the steamers got under way and proceeded down the harbor. On arriving at the designated point it was found that the Star of the West had disappeared from her anchorage, and I was reluctantly compelled to return to the camp previously occupied near Indianola. During the 19th and 20th I made unsuccessful efforts to obtain some other means of transportation, and on the 21st I succeeded in chartering two small schooners—the Horace, of 168, and the Urbana, of 138 tons burden. The latter not having discharged her cargo we were obliged to unload it, the parties working during the day and most of the night of the 22d, and on the 23d we again proceeded down the bay, towed by the small steamer Fashion. The weather was extremely unfavorable, the wind blowing from the northeast across the bar, and on the 24th the master of one of the schooners reported that it would, under the circumstances, be absolutely impossible to manage his vessel at sea, there being at this time more than two hundred persons on board, including some thirty-five women and children, together with the subsistence stores and property. I was, therefore, compelled to seek for an additional transport, and Captain Bowman, of the Third, and Lieutenant Greene, of the First Infantry, with a detail of thirty-four men, taken from all the companies, were dispatched on the Fashion to endeavor to obtain another vessel, which was understood to be lying at the port of Lavaca. During the afternoon of the 24th we obtained with the small boats an additional supply of brackish water from the marshy lands at Decklas Point, and by night, nothing having been heard of the detachment, some suspicion of the seizure of this party and a movement to cut us off was entertained on the schooners, but we could not get out across the bar. The easterly winds which prevailed, and the refusal of the pilots along the coast to come to our aid, had completed our disaster. The night was cloudy and dark, but about 11 o'clock three steamers were visible within a short distance of our anchorage to the windward. Lieutenant Hopkins, of the Third, was sent off in a small boat to obtain some information in regard to these steamers. He could get no answer from them, and returned to the schooners. At daylight on the morn-

ing of the 25th it was observed that these steamers had on board some 800 or 1,000 troops, effectually protected with tiers of cotton bales on both decks. It is supposed these steamers had several pieces of artillery.

Colonel Van Dorn sent a messenger, requesting an interview, which, after consultation with the officers, was granted, and at this time a large steamer from New Orleans came over the bar and took up a position below us. She had on board two 24-pounders and two field pieces, and probably 500 troops. There being no further hope of our escape I was obliged to accede to the requirements of Colonel Van Dorn, and surrender my command as prisoners of war.

On the 28th the brig Mystic arrived off the port of Saluria, bringing Lieutenant Greene and the detachment sent up on the 24th. They had been captured at Indianola. The command was then divided—the battalion of the First Infantry being assigned to the schooner Horace, that of the Eighth to the schooner Urbana, and that of the Third Infantry to the brig Mystic. The two first named were towed over the bar on the 30th and proceeded to sea. The brig was unable to pass the bar until the 3d of May, owing to the low water. The two schooners arrived in the harbor of New York on the 31st of May, and the brig on the 1st of June, after a rough passage of a month from the coast of Texas.

It is not necessary to speak of the accumulated hardships to which the troops have been necessarily subjected, crowded as they were upon these inconvenient, open transports; and I again take occasion to remark upon the high-toned, unwavering spirit of the officers, and the fidelity and good conduct of the enlisted men of this command.

I inclose herewith a copy of the articles of capitulation; also, copy of a letter* from Maj. Larkin Smith relative to the embarkation of the troops, the official report* of Lieut. J. B. Greene, First Infantry, a field return† of the command on the 25th of April, a copy of the parole of the officers, and a copy of the oath taken by the enlisted men.

I have the honor to be, sir, very respectfully, your obedient servant,

C. C. SIBLEY,
Major Third Infantry, Commanding Troops.

[Inclosure No. 1.]

SALURIA, TEX., *April 25, 1861.*

Articles of agreement this day entered into between Maj. C. C. Sibley, of the U. S. Army, on the one part, and Col. Earl Van Dorn, of the C. S. Army, on the other part, viz:

It is stipulated and agreed to that the United States troops, officers and men, shall become prisoners of war, with the privilege of giving their paroles of honor, if officers, and their oaths, if soldiers, not to bear arms or exercise any of the functions of their office, under their commissions or enlistments, against the Confederate States of America, unless an exchange of prisoners shall be made, or until released by the authority of the President of the Confederate States; the arms and equipments of the men and all the public property in the possession of the company commanders to be given up to an agent appointed for the purpose, on board the transport which shall be employed to convey those who may desire it to the United States, private property to be unmolested.

* Omitted. See Series I, Vol. I, pp. 564–566.
† Not found.

It is further stipulated and agreed to that all the officers and men who shall give their paroles and oaths as above stated shall be allowed to pass unmolested through the Confederate States of America, by the way of Galveston and up the Mississippi River, to any point they may see fit to go within the limits of the United States of America, or by any other route they may see fit to take.

C. C. SIBLEY,
Major Third Infantry, Commanding Troops.
EARL VAN DORN,
Colonel, C. S. Army, Commanding Troops.

[Inclosure No. 2.]

Copy of parole given by the officers.

SALURIA, TEX., *April 25, 1861.*

TO THE AUTHORITIES OF THE CONFEDERATE STATES OF AMERICA:

I give my word of honor as an officer and a gentleman that I will not bear arms nor exercise any of the functions of my office under my commission from the President of the United States against the Confederate States of America during the existence of the war between the said Confederate and United States unless I shall be exchanged for another prisoner or prisoners of war, or unless I shall be released by the President of the Confederate States. In consideration of the above parole it is understood that I am free to go and come whenever I may see fit, except that I shall not attempt to enter or depart from any fort, camp or garrison of the Confederate States without the sanction of its commanding officer.

C. C. SIBLEY,
Major Third Infantry, U. S. Army.

[Inclosure No. 3.]

Copy of oath taken by the enlisted men.

SALURIA, TEX., *April 26, 1861.*

TO THE AUTHORITIES OF THE CONFEDERATE STATES OF AMERICA:

We do solemnly swear that we will not bear arms against the Confederate States of America, nor in any way give aid and comfort to the United States against the Confederate States, during the existence of the war between the said United States and Confederate States, unless we shall be duly exchanged for other prisoners of war, or until we shall be released by the President of the Confederate States. In consideration of this oath, it is understood that we are free to go wherever we may see fit.

KANKAKEE CITY, ILL., *June 18, 1861.*

Col. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I have the honor to report my arrival at this place yesterday, the 17th instant, having come from San Antonio, Tex., with as much dispatch as the means of travel and communication would permit, leaving that place on the 4th.

I inclose herewith a copy of my report made under date of May 12,* fearing that that report did not reach your office in consequence of the disturbed state of the country and the uncertainty of the mails. I also inclose a detailed report of the latter portion of the march and surrender, to which reference was made in my former report. This latter report could have been long ago made had there been any reasonable prospect of its reaching you. This is the first point where I have been able to stop from which letters could be forwarded with safety.

I hereby report further how I happen to be here. After surrender, the troops were paroled—the officers to the limits of the Confederate States of America, and the men placed under oath not to leave the county of Bexar, Texas. Up to the 4th of June Colonel Van Dorn was expecting orders to grant unlimited paroles to the officers, and told me that he had no doubt such would be granted on return of his messenger from Montgomery. The 1st instant I received the sad, crushing intelligence of the death of my oldest daughter, and Colonel Van Dorn at once offered me the privilege of coming home. I availed myself of his generosity, both with the view to make arrangements for the care of my remaining children and to communicate with the War Department, in the hope of being of some service to the prisoners of war in Texas by representing their true state and condition. Not knowing whether my reporting in person would be either desirable or proper, I send the following brief statement:

Up to the time I left San Antonio the troops were in quarters and under the care and control of their own officers. They were allowed the usual subsistence and all the clothing necessary; had no restrictions as to limits, except attendance on retreat roll-call; and could be permitted to go anywhere within the county upon a written pass signed by their own officers. With the exception of some five or six, they remained faithful to their Government and refused all offers and inducements to join the Confederate service. The day before I left Colonel Van Dorn informed me that they would be moved into camp some five miles from town and placed under charge of Confederate officers, who would attend to their wants, thus separating them from the care of their own officers. In all this they have been as well if not much better treated than is the usual fate of prisoners of war. Their peril consists in the fact that they are retained as hostages against the rigorous treatment of any prisoners who may fall into the power of the United States. Colonel Van Dorn does not regard the parole which is given to the officers as revocable by his Government, and their peril is not, therefore, the same as that of the men, in his view of the case; therefore it is not easy to see, in the same view of the case, any good reasons for restrictions as to limits being made in the parole. The officers are furnished with quarters and board at the expense of the Confederacy, at least while they remain in San Antonio.

I shall be in Dansville, in New York, in a few days, where communications will reach me.

Hoping that I may be justified in the course I have pursued, as represented in my reports,

I remain, sir, yours, very respectfully,

I. V. D. REEVE,
Brevet Lieutenant-Colonel, U. S. Army.

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* See p. 41.

ALBANY, N. Y., *June 23, 1861.*

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I inclose herewith a copy of the parole given to the officer commanding the Confederate troops in San Antonio, Tex., also a copy of the safe-guard to enable me to leave Texas and pass through the rebellious States. The printed paper inclosed details the incidents and humiliations to which the U. S. officers were subjected. As unfortunate as such a humiliation was, it is my belief that when the facts are known and considered the United States Government will appreciate the loyalty of its officers. My object in sending the inclosed is to have on file in your office as complete a record of the transaction as is possible. The renewal of my oath is also inclosed. It will give me pleasure to perform any service consistent with my honor and duty to my country.

I am, very respectfully, your obedient servant,

J. T. SPRAGUE,
Brevet Major and Captain, Eighth Infantry.

[Inclosure No. 1.]

HEADQUARTERS CONFEDERATED ARMY IN TEXAS,
San Antonio, Tex., April 23, 1861.

I hereby do declare upon my honor and pledge myself as a gentleman and a soldier that I will not take up arms or serve in the field against the Government of the Confederated States in America under my present or any other commission that I may hold during the existence of the present war between the United States and the Confederated States of America, and that I will not correspond with the authorities of the United States, either military or civil, giving information against the interest of the Confederated States of America, unless regularly exchanged.

J. T. SPRAGUE,
Brevet Major and Captain, Eighth Infantry, U. S. Army.

[Inclosure No. 2.]

HEADQUARTERS C. S. ARMY IN TEXAS,
San Antonio, Tex., April 25, 1861.

To all guards, patrols, citizens, and to all concerned, within the limits of the Confederated States:

The bearer, Bvt. Maj. John T. Sprague, U. S. Army, a prisoner of war on his parole of honor, is hereby permitted to pass through each and any of the Confederated States without let or hindrance or molestation of any kind whatever.

S. MACLIN,
Major, C. S. Army, Commanding.

[Inclosure No. 3.]

Extract from New York Courier and Enquirer, May 29, 1861.

The remnant of the U. S. troops which the traitor Twiggs abandoned to the tender mercies of the "Southern chivalry" in Texas will arrive here to-day from Havana, and we indulge the hope that somebody will feel it their duty to receive them in a manner worthy of the

heroism they have evinced in resisting every conceivable inducement to imitate the conduct of their leader in his treason to the Stars and Stripes. Lieutenant Slemmer arrived at this port on Saturday, and remained until Monday evening; but no more notice was taken of him, his brother officers and soldiers, than if they had done nothing at Pickens to uphold the American flag! If Major Anderson deserved credit and commendation, honors and promotion, for moving his command into Fort Sumter--and no press has lauded that act more than the Courier and Enquirer—then was the conduct of Lieutenant Slemmer in transferring his command to Fort Pickens still more to be commended and still more creditable to the service and the country. Anderson, being ordered to hold and defend a work which he knew was not defensible, disappointed the purposes of the traitor Floyd and occupied a stronger work, where he knew he would be safe. It was a wise and meritorious act, and merited the universal approval which it received. Lieutenant Slemmer was called upon to surrender his command to a force irresistible in numbers, and saw one of the senior officers of the Navy cower before the rebel forces, and, with his brother officers ingloriously pull down the Stars and Stripes and surrender the navy-yard at Pensacola without a blow. He was admonished by his senior and by his example that such also was his duty; but he scouted at yielding, resolved upon resistance, and in defiance of the advice and example of Commodore Armstrong, who should have been driven from the Navy with disgrace, threw himself into Fort Pickens and bid defiance to the rebel force. It was a noble act, and, like Anderson's at Sumter, worthy of high praise; and even more creditable, because he is a much younger officer than Anderson, was threatened by a much superior force, and was obliged to resist the contaminating influence of the surrender of the navy-yard, its garrison, and all its munitions of war by a senior officer of the navy, without a struggle and with abundant means of defense. By his gallantry he and his handful of brave men saved Fort Pickens to the country, and gave notice that they were prepared to be starved or to be buried beneath the ruins of the fort, but that never would they surrender it to the rebels or permit their infamous colors to wave over its walls! They redeemed their pledge, have been relieved, and came among us on Saturday last. On Monday evening Slemmer and his brother officers left here in pursuit of their families; and although the press announced their arrival, who called to give them a welcome and say Godspeed to the noble young officers and gallant men who had so fearlessly and under such peculiar circumstances sustained the honor of their flag—of our Stars and Stripes—of the banner of the Union, to sustain which a quarter of a million of men are now in arms!

But let this pass; such is popular favor, and such the thoughtlessness of those whose duty it is to foster a sound public sentiment. Slemmer has gone, unnoticed and unhonored; and now, there will arrive to-day 700 non-commissioned officers and privates, accompanied, we presume, by some of their company officers, who should be received by our volunteers with every mark of honor.

When the traitor Twiggs abandoned his command and passed over some five millions of public property into the hands of the rebels, he escaped seizure from his officers by having scattered his command into small garrisons and surrounding himself with 1,500 rebel troops. Then, to make the surrender less offensive to the troops and less dangerous to the rebels, he provided for his 3,000 U. S. soldiers retiring peaceably and with their arms from the soil of Texas. A por-

tion of them did so retire; another portion were captured by Texan troops in the harbor of Indianola when embarking, according to the code and practice of "Southern chivalry;" and the remainder, those who are expected to arrive to-day, were, according to the same code and practice, and in vindication of their claim to infamy by the rebel authorities, disarmed, proclaimed prisoners of war, and only permitted to leave Texas on parole. And what adds to the infamy of the wretches who have inaugurated the term "Southern chivalry" and vindicated its significance, they suffered these poor fellows to be exposed to starvation on their route homeward. They, however, succeeded in reaching Havana in safety, where the Spanish authorities, who do not recognize the code of "Southern chivalry" and its practices, supplied them with the necessary food before our consul could interfere in their behalf.

We give below* the particulars of the manner in which Colonel Waite and his brother officers were treated by the "Southern chivalry" of the Confederate Republic, because they were true to their flag; and one of these very men, with tears in his eyes, related to us the noble conduct of the men. When they learned that they were to be disarmed they swore a big oath that their guns should never be used against the Stars and Stripes, and commenced deliberately breaking off the butts of their muskets by smashing them against the earth; but for the interference of their officers not a musket would have escaped. But the "chivalry" threatened vengeance at what they called a breach of the capitulation; and there was too much reason to apprehend that they only desired an excuse to put to death every soul, because both officers and men had indignantly spurned their offers and refused to be influenced by the conduct of their traitor general, David E. Twiggs, of the rebel State of Georgia. And therefore the officers, perceiving the danger to which the men were exposing themselves and the general massacre which was but too probable, rushed in among them and explained that their personal safety from assassination depended upon their quietly yielding up their arms uninjured. The men complied, but not one solitary soldier was seduced from his duty by all the threats of the robber band which composed that portion of the "Southern chivalry."

Such are the men about to arrive among us after having barely escaped with their lives from their surrender by the traitor Twiggs to the "Southern chivalry;" and we call upon those in authority over our volunteers—upon General Dix and certain committees—to see that our volunteers be permitted to receive these brave men with becoming honors. Government will no doubt, at the proper time, define the position of both officers and men who were thus forced to give their parole of honor not to fight against the rebels until formally exchanged. We all feel that such a parole has no moral force, and, as a case of conscience, is not binding. It was extorted, and in violation of a compact. But, nevertheless, officers and men pledged their honors to respect it; and the Government must and will respect that pledge. To send them into battle in disregard of it would be to send them forward with halters around their necks in the event of being taken prisoners; and consequently we hope at an early day to see an order vindicating the officers and men from all censure and recognizing their status, while exposing the baseness of "Southern chivalry." In a very few days we shall be in possession of more than sufficient of the enemy to exchange

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*For memorandum here referred to relating to arrest of Colonel Waite and his officers, see p. 45.

for the much abused officers and men surrendered by the traitor Twiggs. From among our first prisoners let there be sent into the rebel camp the precise number of men and officers of corresponding rank to those now on parole, giving the rebel authorities notice that we do so in order to redeem the honor of our people, while we condemn as worthy only of "Southern chivalry" the acts of infamy which made them quasi prisoners of war.

CONFEDERATE CORRESPONDENCE, ETC.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, April 11, 1861.

Col. EARL VAN DORN, C. S. Army, *Montgomery, Ala.*

SIR: The Secretary of War directs that you repair to Texas with the least practicable delay, and there assume command. You are charged with the important duty of making the necessary arrangements to intercept and prevent the movement of the U. S. troops from the State of Texas, and for this purpose you are authorized to call into service such amount of volunteer force from Texas as may be necessary in your judgment to accomplish that object. The whole of the U. S. force, both officers and men, must be regarded as prisoners of war. Such of the men as may be disposed to join the C. S. Army you are authorized to take into service; those not so inclined must be held as prisoners of war, at such place as may be judged to be most safe. The commissioned officers may be released on parole, and in special cases, of which you must judge, the men may be released on oath not to serve against the Confederate States.

The above instructions are given under the circumstances that hostility exists between the United States and Confederate States.

By direction of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, April 13, 1861.

Col. EARL VAN DORN, *C. S. Infantry, Austin, Tex.*

SIR: The following communication has been submitted to the Department of War by Hon. J. H. Reagan, Postmaster-General:

INDIANOLA, *April 9, 1861.*

Mr. J. H. REAGAN.

DEAR SIR: In stirring times like these I deem it proper to advise you of the state of things here. The Mohawk, the Empire City, and the Crusader—I believe those to be the names of war vessels and sea transports lying at Saluria this morning. The Fashion, chartered by the United States Government, brought in about 12 o'clock to-day stores from the Empire City. There are nine companies concentrated here and at Green Lake, about twenty miles distant, for embarkation, mostly here. There is a strong wind blowing, which will prevent, till it ceases, their embarkation, and has already delayed it four days.

The Arizona is at Brazos with 300 troops, which were embarked three days since for this place to join the troops here, but she is yet detained outside the bar by heavy weather.

There are yet seven companies hastening to the coast from the upper posts for embarkation here.

Our last advices are warlike, and it may be important for President Davis to be informed of these facts, and I accordingly write this by steamer just leaving, it being now 1 p. m. The wind is high, and likely to render embarkation impossible for several days.

Yours, very truly,

H. W. HAWES.

You are hereby instructed to give the orders heretofore received by you a liberal construction, and to arrest and seize all troops and stores of the United States, *in transitu* or otherwise, wherever found in the State of Texas, and to use for that purpose all the means of this Government which you can make available in said State.

This communication will be borne by Lieutenant Major, who is specially detailed to bear dispatches to Texas.

I am, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS,
San Antonio, Tex., April 17, 1861.

Hon. L. P. WALKER, *Secretary of War, C. S. A.*

SIR: The news by mail this morning indicates clearly that war exists between our Government and that of the United States. The commissioners of Texas agreed with General Twiggs that the U. S. troops then in Texas might pass out of the State with their arms. At that time war did not exist; things have changed. There are seven companies of troops still in Texas, and some of them may be now on their way from El Paso to this point. Is it proper and right now to permit them to pass through this portion of the territory of the Confederate States with their arms, embodied as U. S. troops, when their Government is at war with ours? In a few days more I will have six companies of troops here ready for the field, anxious to render service to their country, and with your permission—yes, without I receive orders to the contrary from your Department—with the lights now before me, think I shall require them to surrender their arms and disperse. It will be several days before they will be able to reach this place, and it would gratify me much to receive the information by telegraph, through New Orleans, that I have the consent of the Government to pursue the course I have indicated.

Most respectfully, your obedient servant,

H. E. McCULLOCH,
Colonel, Commanding.

SAN ANTONIO, TEX., *April 23, 1861.*

Maj. S. MACLIN,
Commanding Confederate Troops, San Antonio, Tex.

MAJOR: I have the honor to report that agreeably to special orders from your headquarters I intercepted, with my company of citizen volunteers, this morning, at 6 o'clock, Capt. A. T. Lee's company of the Eighth U. S. Infantry, under the command of Lieut. E. W. H. Read, of that regiment, and in the name of the Confederate States of America demanded the unconditional surrender of the company as prisoners of war. Mr. Read asked to be allowed to consult with his commanding officer (Colonel Waite) before making answer to my demand. To this, knowing that the colonel had no troops with which to re-enforce the lieutenant's command, I agreed, and ordered Lieutenant French, of my company, to accompany him to Colonel Waite's quarters.

On his (Lieutenant Read's) return he complied with my demand to surrender, at the same time protesting against my action as being in

violation of the treaty stipulations entered into by the authorities of the State of Texas and General Twiggs. The enlisted men of the company are now under my charge. Lieutenant Read will report in person at your office this morning at 10 o'clock.

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I am, major, respectfully, your obedient servant,

JAMES DUFF,
Captain, Commanding Company Citizen Volunteers.

HEADQUARTERS C. S. ARMY,
San Antonio, Tex., April 24, 1861.

The within writing does not take from Col. W. Hoffman the privilege of reporting the facts of his arrest as a prisoner of war and that of his command to the War Department of the United States, and its restrictions are so far suspended as to enable him to grant a discharge to Principal Musician Theodore Knoll, Eighth Regiment of Infantry.

S. MACLIN,
Major of Infantry, C. S. Army, Commanding.

[Inclosure.]

HEADQUARTERS C. S. ARMY IN TEXAS,
San Antonio, April 24, 1861.

I do hereby declare upon my honor and pledge myself as a gentleman and a soldier that I will not take up arms or serve in the field against the Government of the Confederate States of America under my present or any other commission that I may hold during the existence of the present war between the Union States and the Government of the Confederate States of America; that I will not correspond with the authorities of the United States, either military or civil, giving information against the interest of the Confederate States of America, until regularly exchanged.

W. HOFFMAN,
Lieutenant-Colonel Eighth Infantry.

MONTGOMERY, *April 26, 1861.*

Col. HENRY E. MCCULLOCH, *San Antonio, Tex.:*

You have the consent of the Department to pursue the course indicated in your letter of the 17th. Hold them as prisoners of war.

L. P. WALKER.

HEADQUARTERS TROOPS IN TEXAS,
San Antonio, Tex., May 10, 1861.

Brig. Gen. S. COOPER,
Adjutant and Inspector General, Montgomery, Ala.

GENERAL: I have the honor to report that I met the last column of the U. S. troops in Texas yesterday at noon on the El Paso road, about thirteen miles from this city, and that Colonel Reeve, the commanding officer, being satisfied of my greatly superior force, surren-

dered unconditionally. There were 10 officers and 337 men, including 30 men who were captured some time since in San Antonio by Capt. James Duff which I have heretofore neglected to report.

My command consisted of Colonel McCulloch's cavalry, viz, six companies, Captains Pitts, Tobin, Ashby, Boggess, Fry, and Nelson; a squadron of Colonel Ford's State troops, under Lieutenant-Colonel Baylor's command, viz, Captains Walker and Pyron; a battery of light artillery, Captain Edgar; a section of artillery, Captain Teel; two small detachments of horse, under Lieutenants Paul and Dwyer; and an independent detachment of cavalry, Captain Goode. All these troops I placed under the command of Col. H. E. McCulloch. In addition to these there was a battalion of infantry, raised for the occasion in San Antonio, under command of Lieut. Col. James Duff, Captains Maverick, Wilcox, Kampmann, Navarro, and Prescott, Maj. John M. Carolan. In all, about 1,300 men. I have been actuated in this instance by the same motive which induced me to bring an overwhelming force against the U. S. troops at Indianola—viz, a desire to arrest and disarm them without bloodshed.

All the arms and other public property are now being turned over to officers appointed to receive them, and the officers and men are in camp at the San Pedro Springs, near this city.

Having in consideration the proclamation of the President of the United States declaring certain persons "pirates" under the laws of the United States for seizures of vessels or goods by persons acting by authority of the Confederate States, I have determined to hold these prisoners of war until I receive further instructions from you. If the officers prefer it I shall allow them to proceed to Montgomery on parole, to report to you for your decision.

It would not do justice to the troops under my command if I failed to report to you the admirable manner in which they conducted themselves throughout the expedition; the cheerful obedience to the orders of the officers elected over them; the discipline that was maintained in their camp, where judges, lawyers, mechanics, and laborers could be seen walking post as sentinels on the same rounds, all willing to do duty in a good cause, and at the close there was the delicacy of brave men, of soldiers, which checked everything like exultation over an unfortunate enemy whom a stern necessity had caused us to disarm. It was gratifying to me, as it is a pleasure to me to report to you, that the whole expedition passed off without one unpleasant incident.

The gentlemen who were at headquarters with me, to whom I am indebted for services cheerfully and promptly rendered, for which I owe them my thanks, were Col. P. N. Luckett, quartermaster-general of Texas, Maj. G. J. Howard, Mr. J. T. Ward, General James Willie, Dr. H. P. Howard, Mr. R. A. Howard, Mr. D. E. Tessier, Judges Fred. Tate and T. J. Devine, Capts. D. D. Shea and W. T. Mechling, and J. F. Minter, and Lieut. J. P. Major, C. S. Army.

Very respectfully, sir, I am your obedient servant,

EARL VAN DORN,
Colonel, Commanding.

[For Van Dorn's General Orders, Nos. 4 and 5, of May 3 and May 13, respectively, congratulating his troops on their valuable services in securing the surrender, see Series I, Vol. I, pp. 632, 634.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Montgomery, May 25, 1861.

Col. EARL VAN DORN,
Commanding Department of Texas, San Antonio, Tex.

SIR: Your letter of the 10th instant, reporting the capture of 10 officers and 337 men, consisting of the command of Brevet Colonel Reeve, U. S. Army, has been received and submitted to the Secretary of War. In answer I am instructed to say that the Department is constrained under existing state of things to order that both officers and men of this command be retained in Texas as prisoners of war until further orders or until duly exchanged. All future communications for this office will be directed to Richmond, Va.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS TROOPS IN TEXAS,
San Antonio, June 3, 1861.

Brigadier-General COOPER,
Adjutant and Inspector General, Montgomery, Ala.

GENERAL: I have the honor herewith to report my operations as commander of the troops in Texas for the last part of April and the month of May; also to inclose you copies* of all orders issued by me, and of all letters of instructions given to officers under my command.

I respectfully refer you to my reports * * * in regard to the seizure of the Star of the West, the capture of the U. S. troops at Saluria, under Major Sibley, and of those under Colonel Reeve, near this city, the latter now held as prisoners of war, and subject to your orders.

* * * * * * *

Colonel Reeve's command (prisoners of war) are now quartered in this city, but I shall move them into camp in a few days. They are quite an expense to us. Will you please give me some general rules in regard to the allowances, &c., of prisoners of war.

I do not know whether or not it was the intention of the War Department that I should be continued in command in Texas. I have executed my orders in regard to the capture of the U. S. troops, and, at the same time that I do not wish to be considered as shrinking from any duty that may be imposed upon me in times like these, I must say that I would prefer being where I might have active service suitable to my age and inclinations. My duties here now are entirely in the office, where an older man would be infinitely more efficient than myself.

Very respectfully, general, I am your obedient servant,

EARL VAN DORN,
Colonel, Commanding.

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* Inclosures omitted here.

Disposition and Negotiations for the Release and Exchange of the Union Prisoners.

UNION CORRESPONDENCE, ETC.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 5, 1861.

SUPERINTENDENT MARYLAND RECRUITING SERVICE,
Carlisle Barracks, Pa.

SIR: Special Orders, No. 150, dated at War Department, Adjutant-General's Office, Washington, June 4, 1861, a copy of which has been sent to you, directs Privates A. P. Andrews and Richard Cassidy, Second Cavalry, to report to you for duty. These men were made prisoners in Texas, and have given their parole not to serve against the rebel States. For this reason it is decided not to employ them upon any military duty, but as they are represented to be good clerks it has been thought that you could use them advantageously in your office. I am directed to say to you that they are prohibited from performing military duty.

Very respectfully,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS BATTALION THIRD INFANTRY,
Camp Near Fort Hamilton, N. Y., August 10, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

SIR: In compliance with the desire of the general-in-chief, as communicated in your letter of the 1st instant, I have the honor to transmit you herewith copies* of the parole given by the officers and the oath subscribed by the men under my command when arrested by the Texas forces on the 25th of last April. The following-named officers were on duty with me at the time, to wit:

Capt. R. S. Granger, of Company K, First Infantry; First Lieut. J. B. Greene (since dead), Company K, First Infantry; Capt. G. W. Wallace, of Company G, First Infantry; First Lieut. E. D. Phillips, of Company G, First Infantry; Second Lieut. E. R. Hopkins, of Company A, Third Infantry; Second Lieut. R. G. Lay, of Company I, Third Infantry; no officer present of Company F, Third Infantry; Capt. C. D. Jordan, of Company D, Eighth Infantry; no officer present of Company A, Eighth Infantry; Asst. Surg. R. D. Lynde, Medical Department; Asst. Surg. C. C. Byrne, Medical Department.

Capt. A. W. Bowman, of Company A, Third Infantry, and First Lieut. J. N. G. Whistler, of Company I, Third Infantry, had been detached from the command a short time before the surrender. The former on duty and the latter on leave. They were both arrested at Indianola. Captain Bowman states that his parole was verbal not to bear arms against the Confederate States. Lieutenant Whistler signed the same parole the officers did who were with me.

The captain and one or both of the subalterns of Company F, Third Infantry, are not on parole, and I would recommend that the enlisted men of the company be transferred to Companies A and I, Third

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* Omitted here. See p. 51.

Infantry. The non-commissioned officers may be transferred to those companies to vacancies now existing. Company F may then be reorganized with recruits and made effective. I will state that if the transfers be made as recommended the number of men in companies A and I will still be less than authorized by law.

I am, sir, very respectfully, your obedient servant,

C. C. SIBLEY,
Major Third Infantry, Commanding Battalion.

NEW YORK, *August 13, 1861.*

General L. THOMAS, *Adjutant-General U. S. Army.*

SIR: I hereby have the honor of reporting to you my arrival in this city. Inclosed you will please find a true copy of a parole signed by me while I was a prisoner of war. Having been relieved and deprived of all duty with the U. S. soldiers now held as prisoners of war in Texas, I went to Richmond, Va., for the purpose of being exchanged, or, more properly, of obtaining my release, on the ground of its being contrary to the usages of modern warfare to thus retain surgeons taken while in the active discharge of their duties. My written remonstrances availed nothing more than the extension of the parole held by me.

In Texas I was little or no use to the United States Government and felt anxious that I might return to duty, therefore I went to Richmond, Va. Without the means of self-support and deprived of my liberty I have chosen the only course open to me of showing my loyalty to my country, and I hope my actions may be approved by the War Department. If any exchanges are to be made I desire to be placed on the list, and thus be reinstated.

Not knowing in what light these paroles are to be treated I respectfully await the orders of the Secretary of War. The wording of this parole is very stringent, but I am certain it is the most lenient that at the time could be obtained. My address is 114 John street, New York City.

I am, sir, very respectfully, your obedient servant,

DE WITT C. PETERS,
Assistant Surgeon, U. S. Army.

P. S.—My reason for not reporting in person is that I am nearly worn out by fatigue and have but partly recovered from fever contracted in Texas.

Very respectfully,

DE WITT C. PETERS,
Assistant Surgeon, U. S. Army.

[Inclosure.]

RICHMOND, VA., *August 1, 1861.*

I, the undersigned officer of the U. S. Army, now held as a prisoner of war by the Confederate States of America, do pledge my word of honor as a gentlemen and an officer that I will not bear arms against the Confederate States, nor exercise any of the functions of my office under my commission from the President of the United States to the prejudice of the Confederate States until I am released or exchanged

by the authority of the Secretary of War of the said Confederate States. I further declare I will not disclose or make known any information that I may have acquired to the injury of the Confederate States or the cause in which they are engaged. In consideration of the above parole I am to be free to go at large whenever I may see fit subject to recall within limits to be prescribed or revocation of parole, and report in person to the Secretary of War of the Confederate States of America.

DE WITT C. PETERS,
Assistant Surgeon, U. S. Army.

NEW YORK CITY, *September 12, 1861.*

Capt. GEORGE D. RUGGLES,
Assistant Adjutant-General U. S. Army, Washington, D. C.

SIR: I left Dansville on the evening of the 9th instant to accompany my son to New Haven, Conn., where I have placed him at school, and on my return here on my way home I received a few minutes ago your communication of the 6th instant,* ordering me to report for duty at Scarsdale, West Chester County, New York. I inclose herewith a copy of my parole, supposing that the Adjutant-General may have forgotten its terms. It most positively forbids me from doing the duties to which I am ordered, and I do not see how it is possible to enter upon them or any other duties which will either directly or indirectly operate to the prejudice of the Confederate States or the rebel cause without a violation of my honor. I most earnestly hope that no such duties will be insisted upon. It would be bad indeed, under all the trying circumstances of my position, to add to them the necessity of breaking my parole or being driven from the service.

Your letter was delayed in reaching me, having been directed to Bath instead of Dansville. I shall leave here in the morning for the latter place, where I shall hope to hear from you as soon as practicable. I trust the inclosed will have the most liberal construction, and that the order within referred to will not be insisted on.

I am, sir, yours, very respectfully,

I. V. D. REEVE,
Brevet Lieutenant-Colonel, U. S. Army.

[Inclosure.]

SAN ANTONIO, TEX., *May 31, 1861.*

I pledge my word of honor as an officer and a gentleman that I will not bear arms against the Confederate States of America, nor exercise any of the functions of my office under my commission from the President of the United States against the said Confederate States during the existence of the war now pending between the two countries unless I am exchanged for other prisoners of war, or unless I am relieved from this parole, or released by the authority of the President of the Confederate States. In consideration of which parole it is understood that I am to be free to go and come whenever I may see fit.

I. V. D. REEVE,
Bvt. Lieutenant-Colonel, U. S. Army, and Captain, Eighth Infantry.

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*Omitted.

FORT HAMILTON, N. Y., *September 22, 1861.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I have the honor to report that the enlisted men (on parole) of companies of the First, Third and Eighth Infantry, in camp near Fort Hamilton, under my command, were yesterday transferred and put en route for West Point and Columbus, N. Y., in compliance with orders from the Adjutant-General's Office and the commanding officer of Fort Hamilton. The officers of the command, under orders from the Adjutant-General's Office, proceeded in compliance therewith to their several destinations.

The officers on parole who had received no orders were directed to report to the Adjutant-General and Headquarters of the Army for orders, stating their addresses. There did not appear to be any necessity of their remaining longer at Fort Hamilton, there being no duty for them to perform, and orders will reach them with about the same facility at their several locations as at Fort Hamilton. My address will be Hartford, Conn., where I will be pleased to receive orders for any duty I can perform not incompatible with the parole given by me.

I am, sir, very respectfully, your obedient servant,

C. C. SIBLEY,
Major Third Infantry.

WAR DEPARTMENT,
October 2, 1861.

Adjt. Gen. L. THOMAS, *War Department.*

SIR: I acknowledge the receipt of letter of Col. I. V. D. Reeve referred by you to this Department. You will give the required instructions to have your orders executed, and if Lieutenant-Colonel Reeve does not comply with them he must either resign or have his name stricken from the rolls.

I have the honor to be, respectfully,

SIMON CAMERON,
Secretary of War.

WASHINGTON, D. C., *October 18, 1861.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I have the honor to report that on receipt of a copy of the letter of the Secretary of War to the Adjutant-General, dated October 2, 1861, giving a decision in reference to the order assigning me to duty at Scarsdale, N. Y., and the receipt at the same time of the letter of Captain Ruggles, assistant adjutant-general, reiterating said order, I proceeded to report accordingly, and on my arrival in New York City I learned that the troops had been removed from Scarsdale by order of the governor of the State. I therefore proceeded to report in person at the War Department. I still deemed the duty above referred to as incompatible with my parole, but not wishing to give so strict a construction to its terms as to render myself liable to a charge of wishing to avoid such duties as I might consistently perform, I referred the matter to the President, who approves my construction of the

parole in relation to the duties upon which I was ordered. I am willing and anxious to do such duties as are consistent with my parole, but these are very limited. I can serve on courts-martial where the cases and individuals to be tried are not directly connected with the war, and I can serve on boards the duties of which do not go directly to the prejudice of the so-called Confederate States.

I am, sir, yours, respectfully,

I. V. D. REEVE,
Brevet Lieutenant-Colonel, U. S. Army.

FORT COLUMBUS, NEW YORK HARBOR,
October 20, 1861.

Adjt. Gen. L. THOMAS, *Washington, D. C.*

SIR: I have the honor to report to you the arrival at this post on the 19th ultimo of Sergts. T. D. Parker, Franklin Cook, and R. E. Ellenwood, who have recently escaped from the rebel forces in Texas. These gallant men were surrendered with the command of Bvt. Lieut. Col. I. V. D. Reeve, and they belong to Companies I and E of the Eighth Infantry. They inform me that the ehemy violated the obligations of the local parole given the prisoners by placing them under guard and so reducing their issues of clothing and rations as to render the men in a state of suffering. Under the circumstances they determined upon and made their escape through Western Texas and Mexico, thence on by steamer to Havana, and finally succeeded in reaching this city. The above sergeants were in a destitute condition when they reached this post. The privations and hardships they have undergone while making this long journey are too lengthy to give you in detail, but they speak volumes of their worth and soldier-like bearing. After obtaining the necessary papers for drawing their pay I ordered them to report to the headquarters of their regiment at Fort Hamilton, New York Harbor. The private information these men possess of the state of affairs in Texas and Mexico may be valuable to the Department, and therefore I recommend them to you for your consideration.

I am, sir, very respectfully, your obedient servant,

DE WITT C. PETERS,
Assistant Surgeon, U. S. Army.

P. S.—These sergeants inform me that the U. S. consul at Tampico refused them any assistance, and also declined to loan money on a valuable watch which one of the men possessed, saying that theirs was a hopeless case and he had lost money enough. His name is Mr. Chase, and they represent him as being a wealthy man who is about returning to this city. They further say that the English consul and the captain of the English steamer treated them with great kindness, and by them some acknowledgement would be appreciated. They also state that the Mexican authorities and people sympathize with the United States Government.

Very respectfully, your obedient servant,

DE WITT C. PETERS,
Assistant Surgeon, U. S. Army.

[Indorsement.]

FORT COLUMBUS, *October 20, 1861.*

Respectfully referred to the Adjutant-General, with a strong recommendation of these sergeants to the consideration of the authorities at Washington for their zeal and patriotism in the cause of their country, in hopes some suitable reward will be bestowed upon them.

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
*Washington, November 6, 1861.**

Capt. E. D. PHILLIPS, *First U. S. Infantry.*

SIR: The general-in-chief directs that you immediately report to this office whether there is anything in the parole you have given to prevent your serving as instructor in a camp which it is proposed to establish near this city for the instruction of volunteer officers.

I am, sir, most respectfully, your obedient servant,

A. BAIRD,
Assistant Adjutant-General.

WEST POINT, N. Y., *November 9, 1861.*

Capt. A. BAIRD,
Assistant Adjutant-General U. S. Army.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th of November, instructing me to report whether there is anything in the parole which I have given which would prevent me from serving as instructor in a camp of volunteer officers. As I cannot doubt that the volunteer officers are destined peculiarly and exclusively for the present war I see not how I can consistently serve in the capacity indicated. At the same time I am anxious that the general-in-chief may be acquainted with my earnest desire to be exchanged and be permitted to participate in the most active service.

I inclose herewith a copy of my parole, and have the honor, to be, sir, with much respect, your obedient servant,

E. D. PHILLIPS,
Captain, First Infantry.

[Inclosure.]

SALURIA, TEX., *April 25, 1861.*

TO THE AUTHORITIES OF THE CONFEDERATE STATES OF AMERICA:

I give my word of honor as an officer and a gentleman that I will not bear arms nor exercise any of the functions of my office under any commission from the President of the United States against the Confederate States of America during the existence of the war between the said Confederate States and the United States unless I shall be exchanged for other prisoner or prisoners of war, or until I shall be released by the President of the Confederate States. In consideration of the above parole it is understood that I am free to go and come when-

* Same to several other officers surrendered in Texas.

ever I may see fit, except that I shall not attempt to enter or depart from any fort, camp or garrison of the Confederate States without the sanction of its commanding officer.

E. D. PHILLIPS,
First Lieutenant, First Infantry.

SANDUSKY CITY, OHIO, *November 14, 1861.*

ADJUTANT-GENERAL,
Headquarters of the Army, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant,* and beg leave to say in reply that I have heretofore officially declined to muster volunteers into service as being a duty in conflict with my parole; and the duty to which your inquiry relates in connection with volunteers being of a similar nature I am constrained to say that I could not consistently with my parole perform the service.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieutenant-Colonel Eighth Infantry.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 19, 1861.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I inclose herewith a communication for Asst. Surg. De Witt C. Peters releasing him from his parole, he having been exchanged for Asst. Surg. Wyatt M. Brown by order of Major-General McClellan.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

P. S.—General Wool is requested to forward this letter to Colonel Dimick, commanding Fort Warren, Mass., as some of the surgeons released on parole inform me that Colonel D. states he could not propose exchange of any surgeon, as Dr. De Witt C. Peters had never been released from his parole.

BENJ. HUGER,
Major-General.

[Indorsement.]

This arrangement was approved by myself.

JOHN E. WOOL,
Major-General.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 19, 1861.

Asst. Surg. DE WITT C. PETERS, U. S. Army.

SIR: I am authorized by the Government of the Confederate States to release you from the obligation you are under "not to serve or exercise the functions of your office to the detriment of the States now at

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*See Baird to Phillips, p. 66.

war with the United States." Major-General McClellan having authorized the release of Asst. Surg. Wyatt M. Brown, of the C. S. Army, on your receiving a similar release this fully effects a mutual exchange.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, December 26, 1861.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: The general-in-chief directs that Col. J. A. J. Bradford, confined in Fort Warren as a prisoner taken in arms, be released on parole, to go via Fort Monroe to Norfolk, with the understanding that he will then be exchanged for Col. William Hoffman, U. S. Army, now under parole.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1862.

Hon. J. W. GRIMES, *U. S. Senate, Washington, D. C.*

DEAR SIR: In reply to the letter of Mr. Jones,* I have the honor to state that I will use my best efforts to have the non-paroled officers and enlisted men now prisoners in Texas released at an early day. So soon as the rebels reply by returning Union men for a number of their own recently sent South it is the intention of the Department to take steps tending toward the release and return of all Union prisoners. I have taken a copy of Mr. Jones' letter, with the object of submitting it to the Secretary of War, so that, if possible, the officers and men referred to may be among the first returned.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WASHINGTON CITY, D. C., *January 4, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to submit for your consideration, and I trust for the approval of the Department, this earnest application that a transfer may be early made to the public enemy of such person now held as a military prisoner by the Government as shall secure my release from a similar condition; and that, if most expedient, authority may be granted me to tender to the enemy for such transfer the name and person of the party, at such time and place as shall be designated, or that I may be instructed in whatever other form of exchange shall meet the views of the Department.

Should the Department decline to entertain my request, I respectfully ask that I may be included in the earliest exchange of those prisoners

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* Not found.

now held by the enemy in Texas, and I beg your indulgence in presenting my reasons for making this request. Every officer remaining loyal in the command of Colonel Reeve (including myself) surrendered in Texas, signed a parole of honor, by which they were given the limits of the so-called Confederate Confederacy. Every soldier who remained loyal of that command signed a parole giving them the limits of the county of Bexar, State of Texas. After the signing of such paroles the camp of the men constituting the command was removed eight miles from the city of San Antonio and away from the vicinity of their officers, who were, by this act and by virtue of the liberty of the parole which the men had signed, separated from their men, and by a special order issued in the premises (a copy of which is inclosed) the men were placed exclusively under the charge of Confederate officers, while their own officers were removed from them and were not allowed to provide for or control them in any manner.

Under these circumstances I believed it to be most proper to present myself to the Department that I might be exchanged and again made useful. But in order to gain permission to leave the Confederate States a much more restricted parole was exacted in Richmond. In this whole matter I have acted with the sole desire of doing my duty in the best manner, and it is a source of extreme mortification to me that the Department does not consider that this has been accomplished; for I have never designedly turned my face from either duty or danger, and in this case have erred on the side of an active desire to perform what I considered to be demanded.

With the highest respect, I remain, general, your obedient servant,

H. M. LAZELLE,
Captain, Eighth Infantry, U. S. Army.

[Inclosure.]

SPECIAL ORDERS, No. 25. } HEADQUARTERS TROOPS IN TEXAS,
San Antonio, June 8, 1861.

I. The U. S. soldiers now held as prisoners of war in this city will be, on Monday next, moved from their present quarters into camp on or near the Salado River, at such point as may be selected by First Lieut. Edward Ingraham, C. S. Army, who, with Lieutenant Bradley and the cavalry company under his command, is hereby detailed as their guard. Lieutenant Ingraham will superintend the removal of these prisoners and see them properly encamped, provided for, and strictly guarded. The officers are relieved from the further control of the men, and the company commanders will furnish these headquarters with copies of the muster-rolls of their companies.

By order of Col. Earl Van Dorn:

T. A. WASHINGTON,
Captain, Assistant Adjutant-General, C. S. Army.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 7, 1862.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri, St. Louis, Mo.

SIR: It is the desire of the Government that five of our officers and some 240 rank and file of the Eighth Infantry, detained as prisoners in Texas, should be exchanged for any prisoners taken in arms by us

either in Missouri or elsewhere. The names of the officers are: Maj. and Bvt. Lieut. Col. J. V. Bomford, Sixth Infantry; First Lieut. W. G. Jones, Tenth Infantry; Capt. Z. R. Bliss, Eighth Infantry; First Lieut. J. J. Van Horn, Eighth Infantry; and First Lieut. R. T. Frank, Eighth Infantry. You are authorized to take any steps which will not commit the Government of the United States toward bringing about the release of these officers and men.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

DAYTON, OHIO, *January 7, 1862.*

Major-General HALLECK, U. S. Army.

DEAR SIR: Without the honor of a personal acquaintance, I beg leave thus to address you upon a subject very near to my heart. I left, in and near San Antonio, Tex., some 300 prisoners of war, shamefully but unavoidably captured under Colonel Reeve, at "Adams' Hill," in May last. The absolute inevitableness of their surrender, and the unexampled constancy in loyalty of these men, and the worth of their unfortunate officers (well known, perhaps, to you), constitute, in my opinion, strong grounds for the interposition of our Government in their behalf. And inasmuch as your Department must be incumbered by the care of your prisoners of war, and may need the service of such competent and faithful officers, as well as of such well-disciplined and loyal soldiers, I beg leave to suggest an exchange of an equal number of yours for them through the correspondent department of Ben. McCulloch.

Trusting that you will not deem this request an impertinence, but actuated by my zeal in the cause of our country and by my earnest friendship for these unfortunate sufferers, I hope you will find their case worthy of your interest and susceptible to your relief.

I am, sir, very truly yours, &c.,

CHARLES ANDERSON.

HDQURS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 10, 1862.

Maj. Gen. J. E. WOOL, U. S. ARMY,
Comdg. Department of Southeast Virginia, Fort Monroe, Va.

SIR: The general in-chief desires that you propose an exchange between Col. J. A. J. Bradford, of North Carolina, and Lieut. Col. William Hoffman, Eighth Infantry, so that they may be mutually released from their paroles.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., January 10, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: * * * I would propose for exchange the names of Maj. and Bvt. Lieut. Col. J. V. Bomford, Sixth Infantry; First Lieut.

W. G. Jones, Tenth Infantry; Capt. Z. R. Bliss, Eighth Infantry; First Lieut. J. J. Van Horn, Eighth Infantry, and First Lieut. R. T. Frank, Eighth Infantry, now detained as prisoners at Texas, all of whom, if released on parole, I have no doubt would procure the exchange of a similar number of Southern officers of like rank now in charge of the Federal Government. I would propose in the same way the exchange of the men of the Eighth Infantry now in Texas.

If Lieut. James T. Lasselle, Lieutenant Allen, and Adjt. John W. Pool, now at Fort Warren, are of the same rank as First Lieut. W. G. Jones, Tenth Infantry; First Lieut. J. J. Van Horn, Eighth Infantry, and First Lieut. R. T. Frank, Eighth Infantry I would propose an exchange with those officers, or any of them.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

SAINT LOUIS, *January 12, 1862.*

CHARLES ANDERSON, Esq., *Dayton, Ohio.*

SIR: I have often asked for authority to exchange prisoners of war, but have not received any answer, except in two special cases. Without proper authority I cannot act in this matter.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

NO. 30 CLINTON PLACE, NEW YORK CITY,
January 12, 1862.

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I had the honor of receiving only yesterday a copy of the instructions of the general-in-chief,* in relation to an exchange of Colonel Bradford and myself, and I cannot refrain from expressing my grateful obligations for the consideration and the satisfaction I feel at the prospect it holds out to me of soon being permitted to take part in the active and arduous services which now engage the army. Whatever position I may be called on to fill will command my utmost abilities and a soldier's devotion in sustaining the honor of our flag and the cause of the Union.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieutenant-Colonel Eighth Infantry.

SAINT LOUIS, *January 12, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington.

GENERAL: Your letter of the 7th in relation to the exchange of certain prisoners in Texas is received, but I do not understand its meaning in this: that I am not to commit the Government. If by this it is

* See Thomas to Dimick, December 26.

meant that I am to act in an unofficial capacity, I must respectfully decline doing so. I cannot negotiate the exchange of prisoners except in my official capacity as an authorized agent of the United States.

Neither General Polk nor General Price have charge of the prisoners in Texas, and must refer any proposition of mine to their Government. Am I authorized to open negotiations with either of these gentlemen for the exchange of prisoners of war? If permitted to do this I can effect the exchange of others, and possibly of those now in Texas.

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Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 16, 1862.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: In reply to your letter of the 10th instant* I have the honor to inform you that the exchange of Lieut. W. G. Jones and Assistant Surgeon Lynde, U. S. Army, will be agreeable to the War Department. With the papers returned in your letter, herewith inclosed, at your request, I respectfully forward a copy of a letter† to Colonel Dimick, of the 10th instant, in relation to the exchange of Lieutenant Dalton, late U. S. Navy, and Captain Tansill and Lieutenant Tattnall, late of the U. S. Marine Corps.

I have the honor, &c.,

L. THOMAS,
Adjutant-General.

FORT WARREN, BOSTON HARBOR,
January 16, 1862.

General L. THOMAS, *Adjutant-General, Washington, D. C.*

SIR: I inclose a list† of prisoners paroled from this post from 13th December to 16th January to be exchanged. I have also to report that I have sent a message to General Huger, through Commodore Barron, offering to parole the whole of the North Carolina prisoners, in exchange for the officers and men of the U. S. Infantry now held in Texas, and the excess of the North Carolina prisoners over the number of the infantry in Texas to be exchanged for any other prisoners of ours in confinement South. I think General Huger will acceed to my proposition; if he does I shall consider myself authorized by your letter of the 9th to send the North Carolina prisoners off without further orders. I paroled Captain Tansill for Captain Bliss, of the Eighth Infantry, on the 10th. On the 14th I received yours of the 10th ordering his exchange for Captain Manson, Seventy-ninth New York. This morning I have paroled Julian Myers, late of the Navy, for Capt. Z. R. Bliss, of the Eighth Infantry.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

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* Not found. † Omitted.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &c.,
Fort Monroe, Va., January 16, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: * * * I would propose, if agreeable, an exchange between Col. J. A. J. Bradford, of North Carolina, and Lieut. Col. William Hoffman, Eighth U. S. Infantry, so that they may be mutually released from their paroles.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &c.,
Fort Monroe, January 17, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce the following-named prisoners of war, who are permitted to return South on the conditions specified in each case:

* * * * * * *

Robert Tansill, on parole for forty-five days, unless within that time Capt. Zenas R. Bliss, U. S. Army, shall be unconditionally released and put at liberty at Fort Monroe, Va.

* * * * * * *

On the above conditions being complied with the parties interested will consider themselves released from their parole.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 18, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: By the flag of truce this day you will receive the following-named persons:

* * * * * * *

3. First Lieut. Thomas H. Allen, ordnance, who is on parole for forty-five days, unless within that time First Lieut. R. T. Frank, Eighth U. S. Infantry, be unconditionally released and put at liberty, at Fort Monroe.

* * * * * * *

8. W. M. Page (also omitted in my letter yesterday, but sent) is on parole for thirty days, unless within that time Asst. Surg. De Witt C. Peters, U. S. Army, shall be unconditionally released from his parole of honor; but should Surgeon Peters be already released then he is to effect the unconditional release of Assistant Surgeon Connolly, New York Volunteers.

On all the above conditions being complied with the parties interested will consider themselves released from their parole.

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Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 19, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce the following persons: T. S. Wilson, who is on parole for forty-five days, unless within that time First Lieut. W. G. Jones, Tenth U. S. Infantry, be unconditionally released and put at liberty, at Fort Monroe, Va.

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Very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 20, 1862.

Maj. Gen. H. W. HALLECK, U. S. Army,
Comdg. Department of the Missouri, Saint Louis, Mo.

SIR: In reply to your letter of the 12th instant in relation to exchange of prisoners, I have respectfully to inform you that the intention is not to commit our Government by formally acknowledging the existence of a government in the so-called Confederate States. The mode you indicate of negotiating with generals on the other side is now successfully carried out by General Wool with General Huger, and you are authorized to effect the exchange of any of our prisoners in this manner. It is important, however, to have as accurate a record as possible of the prisoners released by us, and a telegram was sent you to request you would furnish a list of those in your custody, with their respective rank.

I am, sir, very respectfully, your obedient servant,
L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 20, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I am desired to propose to you that Capt. W. D. Farley, aide to General Bonham, and Lieut. F. de Caradine, held in Washington as prisoners taken in arms against the United States, shall be released and sent to Norfolk, on condition that Capt. J. H. Potter, Seventh U. S. Infantry, and Lieut. H. M. Lazelle, Eighth Infantry, shall be released from their parole.

Very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 20, 1862.

Col. J. DIMICK, *Commanding at Fort Warren.*

SIR: Some of the released prisoners from Fort Warren stated that you had not received notice of the release of Dr. De Witt C. Peters in exchange for Dr. Wyatt M. Brown. I have sent General Wool a

copy of my letter of November 19, fully releasing Doctor Peters from his parole, and requesting it might be forwarded to him. I now ask General Wool to forward the letter to you.

* * * * * * *

With the highest respect, your obedient servant,

BENJ. HUGER,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &c.,
Fort Monroe, January 22, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I herewith transmit a statement of exchanges that have been effected and of those that are now pending, as I understand them:

Exchanged: Asst. Surg. De Witt C. Peters, U. S. Army, released and forwarded to Fort Monroe, Va., November, 19, 1861, in exchange for Asst. Surg. Wyatt M. Brown, who was forwarded to Norfolk, Va., November 12, 1861.

* * * * * * *

The following exchanges are now pending:

Lieut. T. H. Allen, North Carolina Artillery, forwarded to Norfolk, January 18, 1862, to be exchanged for First Lieut. R. T. Frank, Eighth Infantry.

* * * * * * *

T. S. Wilson, forwarded to Norfolk, January 19, 1862, to be exchanged for First Lieut. W. G. Jones, Tenth U. S. Infantry.

The above officers, in the event of their failing to procure the exchanges specified, are to return to Fort Warren on the expiration of their respective paroles.

* * * * * * *

In obedience to instructions I have proposed the following Federal officers may be exchanged—Major and Brevet Lieutenant-Colonel Bomford, Sixth Infantry; Capt. Z. R. Bliss, Eighth Infantry; First Lieut. J. J. Van Horn, Eighth Infantry—with officers of the same rank now in our hands. I have also proposed the exchange of Col. J. A. J. Bradford, North Carolina Volunteers, for Lieut. Col. William Hoffman, Eighth Infantry, Capt. W. D. Farley, aide-de-camp, for Capt. J. H. Potter, Seventh U. S. Infantry, and Lieut. F. de Caradine for Lieut. H. M. Lazelle, Eighth U. S. Infantry.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 23, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce H. B. Claiborne and Dulaney A. Forrest, prisoners of war, who are permitted to go South on parole for forty-five days, unless within that time Maj. James V. Bomford, Sixth Infantry, U. S. Army, be unconditionally released and set at liberty, at Fort Monroe, in which event the first-named officers may consider themselves discharged from their parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 24, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army.

GENERAL: In order to complete the list of exchanges, it may be proper to state that the following exchanges had been effected previous to those named in my communication of the 21st instant:

(1) For Col. J. A. J. Bradford, North Carolina Volunteers, Bvt. Col. D. T. Chandler, U. S. Army; (2) for Col. William F. Martin, North Carolina Volunteers, Col. C. A. Waite, First Infantry; (3) for Lieut. Col. G. W. Johnston, North Carolina Volunteers, Lieut. Col. Governeur Morris, First Infantry; (4) for Lieut. Col. Charles H. Tyler, Lieut. Col. A. Albert; (5) for Major W. S. G. Andrews, North Carolina Volunteers, Maj. J. T. Sprague, Eighth [First] Infantry; (6) for Captain Clements, North Carolina Volunteers, Capt. W. L. Bowers, First Rhode Island Volunteers; (7) for Captain Cohoon, North Carolina Volunteers, Capt. Ralph Hunt, First Kentucky Regiment; (8) for Lieutenant Shannon, North Carolina Volunteers, First Lieut. S. R. Knight, First Rhode Island Volunteers; (9) for Lieutenant Lamb, North Carolina Volunteers, First Lieut. Walter B. Ives, Seventy-ninth New York Volunteers.

These nine officers, with Captain Ricketts, First Artillery, previously exchanged for Capt. J. A. de Lagnel, complete the whole list of 250 officers and men released by the Federal Government. It will be seen that an officer has already been exchanged for Col. J. A. J. Bradford, and therefore some other officer of like rank should be proposed in exchange for Col. William Hoffman.

* * * * * * *

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 24, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce the following persons: A. D. Wharton, a prisoner of war, who is on parole for forty-five days, unless within that time First Lieut. James J. Van Horn, Eighth U. S. Infantry, be unconditionally released and put at liberty, at Fort Monroe, Va.; H. A. Gilliam, North Carolina Volunteers, a prisoner of war, who is on parole for thirty days, unless within that time Maj. I. V. D. Reeve, U. S. Army, shall be unconditionally released from his parole of honor; but should Major Reeve be already released, then he is to effect the unconditional release of Maj. C. C. Sibley from his parole of honor.

* * * * * * *

On the above conditions being complied with the parties interested will consider themselves released from their parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

FORT WARREN, BOSTON HARBOR,
January 25, 1862.

General L. THOMAS,
Adjutant-General, U. S. Army.

SIR: I have just received the following answer by letter from General Huger to the message I sent him relative to exchanging the North Carolina prisoners of war for the U. S. troops in Texas:

My Government is willing and anxious to exchange prisoners on fair terms, and as the authorities at Washington have permitted it in certain cases I beg your assistance in making it general, and thus aid the cause of humanity and civilization.

In another part of his letter he says:

With your assistance, colonel, I hope we can do much to relieve needless suffering to our fellow-countrymen.

Being therefore certain of a reciprocal exchange of the prisoners of war now here I shall immediately require transportation for them by sea to Fort Monroe, to be sent to Norfolk for exchange, viz, 4 captains, 2 first lieutenants, 8 second lieutenants, 4 third lieutenants, and about 370 rank and file.

The four colored men are very desirous of returning to their families in North Carolina. I shall therefore send them unless I receive further instructions relative to them. Three of them are certainly free and have families South. The third man is believed to be a slave, yet he is very anxious to go home; he has been to me often begging me to send him home on the first opportunity.

I am, sir, very respectfully, your obedient servant,
J. DIMICK,
Colonel First Artillery, Commanding Post.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 27, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: Major-General Huger has been directed to offer Col. William Hoffman for Captain Barron, C. S. Navy.

* * * * * * *

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

FORT WARREN, BOSTON HARBOR,
January 27, 1862.

General L. THOMAS,
Adjutant-General U. S. Army, Washington.

SIR: I return Captain Barron's application for a parole,* with the suggestion that he should be paroled to be exchanged for his equivalent in regular soldiers. Supposing the force in Texas to be exchanged to be 250 men, the command to be composed of six companies, their equivalent in privates would be 350. Commodore Barron's equivalent in privates would be about 480, allowing 30 privates for a captain, and

* Omitted.

so doubling up to a brigadier-general, which I understand to be the rank of Commodore Barron. The inclosed list of paroled officers will show that regular officers now in Texas as prisoners of war have been provided with exchanges which will hardly be refused, being principally officers lately belonging to the Navy.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

*List of prisoners paroled for officers of the Regular Army by Colonel Dimick.**

FORT WARREN, *January 26, 1862.*

Thomas H. Allen, lieutenant, ordered paroled to be exchanged for R. T. Frank, first lieutenant, Eighth Infantry, U. S. Army; Julian Myers, late U. S. Navy, paroled to be exchanged for Zenas R. Bliss, Eighth Infantry, U. S. Army; T. S. Wilson, late lieutenant U. S. Marine Corps, paroled to be exchanged for W. G. Jones, Tenth Infantry, U. S. Army; A. D. Wharton, late U. S. Navy, ordered paroled to be exchanged for J. J. Van Horn, Eighth Infantry, U. S. Army; W. H. Ward, late U. S. Navy, paroled to be exchanged for F. E. Prime, captain, Engineers, U. S. Army; D. A. Forrest and H. B. Claiborne, late U. S. Navy, paroled to be exchanged for J. V. Bomford, major Sixth Infantry, U. S. Army; William Biggs, second lieutenant, North Carolina Volunteers, and H. C. Holt, Georgia Volunteers, paroled to be exchanged for William E. Merrill, lieutenant, Engineers, U. S. Army; H. A. Gilliam, major, North Carolina Volunteers, paroled to be exchanged for Major Reeve, U. S. Infantry, or Major Sibley in case Reeve is released.

J. DIMICK,
Colonel First Artillery, Commanding Post.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 27, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I agree to the exchange of Colonel Hoffman and Captain Barron. I will immediately apply for Captain Barron's release on parole provided you will do the same in regard to Colonel Hoffman.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 29, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I am authorized to offer Lieutenant-Colonel Bomford in exchange for Lieutenant-Colonel Pegram. * * * The proposal to exchange Maj. H. A. Gilliam, North Carolina Volunteers, for Maj. I. V. D. Reeve, U. S. Army, or Maj. C. C. Sibley, U. S. Army, is declined, but an offi-

*Authority, letter Adjutant-General's Office, January 9, 1862.

cer of volunteers of equal rank will be given for him. * * * I will offer for Mr. Dulaney A. Forrest, late U. S. Navy, and Mr. H. B. Claiborne, late midshipman, U. S. Navy, Maj. D. H. Vinton, U. S. Army.

I think it due to Major Vinton to state that I am informed upon what seems to be good authority that while under his parole given in Texas he has been and is now in the service of the United States at West Point, thus releasing other officers for active duty. I shall be glad to know that this is a mistake. * * * Lieut. William G. Jones, U. S. Infantry, has been ordered here from Texas, and on his arrival will be offered for Lieutenant Sayre, C. S. Marines, now on parole.

By command of Major-General Huger:

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

DAYTON, OHIO, *February 7, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

DEAR SIR: I was compelled by the necessities of my private affairs to leave Washington without the conference with yourself and General McClellan on Texas affairs which you both desired. As I wrote my information and views quite at length in the two papers I mentioned, and do not suppose that any mere additions or retractions would materially change that testimony, I do not suppose this omission to make any great loss to the public service. But I had another item of brief business which it was my purpose in our expected interview to have laid before you. It was the case of the U. S. prisoners captured at Allen's Hill, near San Antonio, Tex. I know their fate to be a hard and undeserved one, and I so much think that any further neglect of them would be a cruelty and injustice wholly inexcusable, that I have ventured to write the following letter to the Adjutant-General. Of course not the slightest implication of censure upon his department is intended or can be drawn from this letter. I inclose a copy for your perusal only because the time in copying it here is so much less valuable than yours in sending for the original.

I tried to get to see Governor Fish to explain their cause to him, but failed in my efforts. General Halleck writes me that he has asked permission to make such exchanges.

I am, very sincerely, your friend,

CHARLES ANDERSON.

[Inclosure.]

DAYTON, OHIO, *February ~ 1862.*

General LORENZO THOMAS, U. S. Army,
Adjutant-General, &c.

DEAR SIR: A day or two before I left Washington I heard several remarks in military circles indicative of an opinion that the refusal of the officer prisoners (who were captured at Allen's Hill, and are now at San Antonio) to accept their paroles was neither meritorious in them nor of utility to others. I do not allow myself to base any important action on merely vague rumors or opinions. But as I feel the deepest solicitude for these gentlemen on every ground, I am not willing to withhold from the proper authorities my positive knowledge to the contrary of those remarks.

At first the soldiers were quartered in the town and near the quarters of their officers. Whereupon complaints arose amongst the rebel officers and their partisans that our officers prevented by various influences the soldiers from deserting our flag and enlisting in the traitor cause. And I know that these charges were true. The result was that after much censure and even threats toward our officers the soldiers were removed into a camp on the Salado, some seven miles distant. For awhile their officers were permitted occasionally to visit them. I cannot now say whether they were allowed to see them apart from their guards; I think not. But I do know that they had communication from that camp with the officers, for I myself have borne messages from the men in the country to the officers which showed the utmost confidence between them, as the first news of the desertion of the four sergeants. At this camp, as in town, every kind of exertion was used to get these men to enlist, and with little effect; and the opinion and complaint were still general that the vicinage and influences of the U. S. officers alone prevented their general enlistment in the Confederate cause.

They were then removed from the Salado camp, wholly on this account, and sent some fifty miles away to Camp Verde. I have forgotten the date of this removal, although I rode several miles with them on their march, and had a chance to talk with one of the best of men, Sergeant Brady. I think, however, it was in September. And I again say that I know that these men were greatly braced in their extraordinary firmness of faith to our cause and hatred for that of disunion by the example, presence, and sharing of their fate by the officers who remain as near to them as they can. And I think that these influences are practically of great value, even at the distance of their present separation. And I furthermore believe that if these officers had come away to the States that nine-tenths of these soldiers (instead of one-tenth) would have deserted and joined the rebels.

So much for the usefulness of that action in this behalf; a word of testimony as to its merits. And here again I was an eye and ear witness. In very many conversations I had with these officers on this very subject (and they were so much my only society that I was often scolded by my Union friends and threatened by my disunion enemies for my imprudent intimacies with them) they invariably assigned these influences on their men as the chief cause of their staying in San Antonio. Sometimes (in my sympathy for their painful positions there) I argued in favor of their taking parole, admonishing them that "out of sight, out of mind," &c. But they as often silenced me by the single argument that if they did "the men would join the rebels." I say, therefore, that the conduct of these officers in refusing their paroles has been and is of great merit and usefulness.

I do not, on the other hand, desire now so much to censure those officers who came away as to say that they ought not to be exchanged. Since I have admitted that I myself occasionally advised my friends to do likewise I must admit that I think it would be hard for a mistake so natural to punish them so incommensurately. Still I do insist that my advice and their action was a mistake, and that the conduct of the other officers, instead of being "nothing," as I heard said, has been very loyal, wise, and noble. On the subject of the general merit of all the Allen's Hill prisoners and their treatment by their Government I cannot forbear to say a word. I am sure that no one who was present as a witness to that whole affair (however high his standards of loyalty, bravery, or self-sacrifice may be) can believe that there was any, the

slightest, cause of censure to any of the officers or men for that surrender. I wanted them to fight. And some of the subaltern officers were hot for fight. Nevertheless, fighting would have been mere blind rage and frenzied patriotism; nothing more. I knew so then and know it now.

The simple truth is that whoever may throw obstacles in the way of the recovery of these officers and men for useful service to a flag to which they have shown so much devotion does great injustice to the service and perpetrates cruel ingratitude and neglect to as brave and loyal a body of troops as are now or have been in the field.

Excuse me if I obtrude unsolicited or undesired information upon your office, but as I chanced to hear (from one who made them) that efforts had been made to underrate the services and sufferings of my colleagues in exile I will not allow mere delicacies of sentiment or custom to prevent my speaking out my mind and heart fully. This I do without the least knowledge of your action in the premises, and, of course, without the least purpose of complaint or censure.

I am, very sincerely, yours, &c.,

CHARLES ANDERSON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 13, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

SIR: Col. John Pegram, who was released on his parole on condition of returning to Fort Monroe by the 15th of February, if he did not procure the release of Colonel Willcox* or Lieutenant-Colonel Bomford, informs me that Lieutenant-Colonel Bomford has been sent for and will be released in exchange for Colonel Pegram, when he arrives. You will please send Colonel Pegram authority to remain at Richmond until Colonel Bomford arrives.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

SANDUSKY, OHIO, *March 13, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: I desire very respectfully to ask the attention of the Secretary of War to the following matter which is of deep personal interest to me. From the time of my return from Texas in April last in the unfortunate position of an officer on parole I did not cease to importune the Department for such service as my parole would permit me to perform till at length I obtained it, all the time entertaining the hope that some fortunate chance might bring about my exchange. In October I asked that I might be permitted to go to Fort Columbus and say to Colonel Bradford, a prisoner of war, that if he would obtain my release from parole he should be set at liberty, but my request was not granted.

Early in January I was surprised and much gratified to learn that by order of the general-in-chief Colonel Bradford had been released from Fort Warren with the understanding that he was to go to Nor-

* Willcox was held as a hostage for the Confederate privateersmen.

folk and there effect an exchange for me. I at once wrote to the Adjutant-General expressing my gratitude for the consideration which had been shown me and my anxiety to join the army in the field. I was then in New York, and not doubting that I would receive orders in three or four days I took immediate measures to be prepared for a speedy summons to active service. Day after day I was disappointed, until I gave up all hope, attributing the failure to a want of integrity in Colonel Bradford. About two weeks since I received a note from Commodore Barron, a prisoner at Fort Warren, in which he informed me that he had learned through a friend in Richmond that he was to be exchanged for me, and I immediately urged in a letter to the Adjutant-General this exchange might be sanctioned. To-day I have had the extreme mortification to hear that it has not been through a want of integrity on the part of Colonel Bradford that I have not been exchanged, but because he was sometime since exchanged for Major and Brevet Lieutenant-Colonel Chandler, recently promoted to the rank of major and still more recently as announced in the newspapers placed on the retired list.

The slight put upon me as an officer by this proceeding is so palpable that I would show myself unworthy the position I hold in the army if I could hesitate a moment to express my profound humiliation at the wrong which has been done me. I need not enlarge upon it. You can well understand what I ought to feel under the circumstances, and my only object in troubling you is that you may be assured I fully appreciate the indignity.

I have the honor to be, very respectfully, your obedient servant,

W. HOFFMAN,
Lieutenant-Colonel Eighth Infantry.

DEPOT QUARTERMASTER'S OFFICE,
Washington, D. C., March 19, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: I have the honor to lay before you a copy of a letter (marked A) from the Hon. F. P. Blair, chairman of the Military Committee of the House of Representatives, calling upon me for a complete list of officers serving in Texas who were arrested and who left the country on parole, as well also as the circumstances attending their arrest. The arrests having been made at different times and at different localities, I cannot furnish all of the information required from personal knowledge.

Moreover, a complete history of the treason of General Twiggs in Texas being a matter of official record at the War Department, as will be seen from his published orders and the detailed report of Colonel Waite, U. S. Army, his successor in command of that department, I deem it a matter of etiquette to refer the Military Committee through you to that report rather than submit for their action the statement of an officer so much the junior of Colonel Waite in years and rank. The accompanying papers from B to F are transmitted as bearing on my individual case, and are respectfully submitted for consideration.

I am, sir, very respectfully, your obedient servant,

EDWARD L. HARTZ,
Captain and Assistant Quartermaster, U. S. Army.

[Inclosure A.]

COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES,
February 13, 1862.

Captain HARTZ, *Quartermaster's Department.*

CAPTAIN: You are respectfully desired by the Committee on Military Affairs of the House of Representatives to furnish at an early moment a complete list of the officers taken prisoners in Texas giving their parole, together with a statement of circumstances under which said parole was given.

Respectfully,

FRANK P. BLAIR,
Chairman.

[Inclosure B.]

SAN ANTONIO, TEX., *April 25, 1861.*

Lieut. E. L. HARTZ, *Eighth Infantry, San Antonio.*

SIR: Having been forcibly seized on the 23d instant by an armed force of Texas troops, and having since given your parole, you will proceed to the headquarters of the Army and report yourself in person to the general-in-chief.

I am, sir, very respectfully, your obedient servant,

C. A. WAITE,
Colonel, U. S. Army.

[Inclosure C.]

HEADQUARTERS C. S. ARMY IN TEXAS,
San Antonio, April 26, 1861.

TO ALL GUARDS, PATROLS, CITIZENS, AND ALL CONCERNED, WITHIN THE LIMITS OF THE CONFEDERATE STATES:

The bearer, First Lieut. E. L. Hartz, Eighth Infantry, a prisoner of war on his parole of honor, is hereby permitted to pass through each and any of the Confederate States without let or hindrance or molestation of any kind whatever.

S. MACLIN,
Major Infantry, C. S. Army, Commanding.

[Inclosure D.]

SAN ANTONIO, TEX., *April 26, 1861.*

Lieut. E. L. HARTZ,
Adjutant Eighth Infantry, San Antonio, Tex.

SIR: Col. C. A. Waite directs that you remain at San Antonio, or wherever the U. S. soldiers, prisoners of war who are now here may be quartered, for the purpose of attending to their various wants. In compliance with an understanding had by Colonel Waite with Major Maclin this morning, you will report to the latter, who will provide you with written authority to visit the troops. When your services can be of no further use to the troops I am directed by the colonel to say that you will be at liberty to avail yourself of the order of the 25th instant to repair to the headquarters of the Army.

I am, sir, very respectfully, your obedient servant,

W. A. NICHOLS,
Assistant Adjutant-General.

[Inclosure E.]

HEADQUARTERS C. S. ARMY,
San Antonio, Tex., April 28, 1861.

Colonel WAITE, U. S. Army, *Present.*

COLONEL: I understand that Lieut. E. L. Hartz, Eighth Infantry, visited Captain Lee's company on yesterday and exhorted them to be true to their allegiance to the United States, &c. When I granted leave to visit the company I did not expect such a course would be pursued. I am compelled, therefore, to forbid any visiting, only in company with an officer of the C. S. Army. When the men are to be visited Capt. James Duff will accompany the officer, or some other officer will be detailed by him.

Your obedient servant,

S. MACLIN,
Major Infantry, C. S. Army, Commanding.

[Inclosure F.]

HEADQUARTERS C. S. TROOPS IN TEXAS,
San Antonio, Tex., May 2, 1861.

Lieut. E. L. HARTZ.

SIR: Having determined to retain the troops of the Eighth Infantry as prisoners of war, you are at liberty to avail yourself of the privilege granted you in your parole of honor, as you can be no longer of any use to them. Certificates will be given you of the seizure of the public property you had in your charge.

Very respectfully, sir, I am, your obedient servant,

EARL VAN DORN,
Colonel, Commanding Confederate Forces.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 22, 1862.

Col. C. A. WAITE,
First Infantry, Commanding, &c., Plattsburg, N. Y.

COLONEL: Ineffectual search having been made in this office for your letter dated Washington, May 25, 1861, respecting the officers seized by the rebel forces in Texas, terms of their parole, and inclosing papers showing the course pursued toward the captured and circumstances under which they were made prisoners, &c., I have to request you will please forward a copy (if in your power to do so) as early as practicable.

I am, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

PLATTSBURG, N. Y., *March 28, 1862.*

ADJUTANT-GENERAL U. S. ARMY, *Washington, D. C.*

SIR: In compliance with your letter of the 22d instant I inclose herewith as correct a copy* as I can furnish of the communication I addressed to the Adjutant-General of the Army on the 25th of May last. The rough draft of that letter was prepared in great haste, on the

* Omitted here. See Waite to Adjutant-General, May 25, 1861, with inclosures, pp. 43–48.

morning of the day it was understood a Cabinet council would assemble, which it was expected would take into consideration the course pursued by the State of Texas and the condition of the paroled officers. It was considered important to have the letter handed in and passed up to the Secretary of War before the council met. Colonel Nichols, assistant adjutant-general, made the fair copy, and fearing that if too long it would not be read some parts were omitted and other changes made which have escaped my recollection. I think, however, if this copy should be compared with the one sent to your office no very material discrepancies would be found.

The paper marked A must have been the original letter, and I do not recollect its contents nor from whom received. I did not retain a copy. I think the papers herewith, numbered 1 and 2, are duplicates of the documents referred to as marked B and C. I understood that some weeks after the date of my communication it was read in Cabinet council, and probably the letter and accompanying documents are now at the President's or in the office of the Secretary of War.

I inclose a list of all the officers so far as I know who were made prisoners in Texas, which was not sent with my letter of the 25th of May; also a newspaper account* prepared by Major Sprague of the conversations, &c., which occurred at the time we were taken prisoners. The latter is not of much importance, but it shows the feelings of the Texans toward the officers of the Army and, to a certain extent, the condition of things at San Antonio at the time we were made prisoners. I feel the want of the records of the Department of Texas when called on to make any statements of transactions which occurred while I was in command. All records appertaining to the department previous to the 1st of January, 1861, were packed up and sent to Indianola soon after I entered on duty, and I understand they reached New York, and I presume are now in Washington. All subsequent to that date were detained by the Texan commissioners, which embrace the period I was in charge of the department.

I am, sir, with great respect, your very obedient servant,

C. A. WAITE,
Colonel First Infantry.

[Inclosure No. 1.]

Names of the officers of the U. S. Army who were made prisoners of war in Texas in April and May, 1861.

Col. C. A. Waite, First Infantry, commanding department; Maj. W. A. Nichols, assistant adjutant-general; Maj. D. H. Vinton, quartermaster; Surg. E. H. Abadie; Asst. Surg. J. R. Smith; Asst. Surg. R. D. Lynde; Asst. Surg. C. C. Byrne—all on parole. Asst. Surg. D. W. C. Peters, retained a prisoner. Maj. D. McClure, paymaster; Capt. R. M. Potter, military storekeeper; Capt. K. Garrard, Second Cavalry; Lieut. Col. G. Morris, First Infantry; Capt. R. S. Granger, First Infantry; Capt. G. W. Wallace, First Infantry; Lieut. E. D. Phillips, First Infantry, adjutant—all on parole. Lieut. J. B. Greene, First Infantry, dead. Maj. C. C. Sibley, Third Infantry; Capt. and Bvt. Lieut. Col. D. T. Chandler, Third Infantry; Capt. A. W. Bowman, Third Infantry; Lieut. J. N. G. Whistler, Third Infantry; Lieut. J. W. Alley, Third Infantry; Lieut. H. W. Freedley, Third Infantry; Lieut. R. G. Lay, Third Infantry; Lieut. E. R. Hopkins, Third Infantry—all on parole.

* Refers to Memorandum at p. 45; also see Sprague to Thomas, and "Inclosure No. 3" at p. 53.

Maj. and Bvt. Lieut. Col. J. V. Bomford, Sixth Infantry, retained prisoner. Lieut. Col. W. Hoffman, Eighth Infantry; Capt. and Bvt. Lieut. Col. I. V. D. Reeve, Eighth Infantry; Capt. and Bvt. Maj. J. T. Sprague, Eighth Infantry; Capt. A. T. Lee, Eighth Infantry; Capt. C. D. Jordan, Eighth Infantry—all on parole. Lieut. Z. R. Bliss, Eighth Infantry, retained prisoner. Lieut. E. L. Hartz, Eighth Infantry, on parole. Lieut. H. M. Lazelle, Eighth Infantry, retained prisoner. Lieut. E. W. H. Read, Eighth Infantry, on parole. Lieut. L. Peck, Eighth Infantry; Lieut. J. J. Van Horn, Eighth Infantry; Lieut. R. T. Frank, Eighth Infantry—all retained prisoners.

It is not known whether Lieutenant-Colonel Backus, Third Infantry, Major Cunningham, paymaster, and one or two other officers were captured in New Orleans and required to give their parole, or were permitted to pass through that city unmolested.

[Indorsement.]

Not furnished with my letter to Adjutant-General of the 25th of May, 1861.

C. A. WAITE,
Colonel First Infantry.

[Inclosure No. 2.]

HEADQUARTERS C. S. ARMY IN TEXAS,
San Antonio, April 24, 1861.

I do hereby declare upon my honor and pledge myself as a gentleman and a soldier that I will not take up arms or serve in the field against the Government of the Confederate States of America under my present or any other commission that I may hold during the existence of the present war between the United States and the Government of the Confederate States of America; that I will not correspond with the authorities of the United States, either civil or military, giving information against the interest of the Confederate States of America unless duly exchanged—it being understood that Colonel Waite is permitted, after leaving the territories of the Confederate States, to make to the authorities of the United States such reports and statements as may be required of him by such authorities or by his official position in relation to past transactions.

C. A. WAITE,
Colonel First Infantry.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, April 1, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: The exchange of Captain Barron for Colonel Hoffman has been refused. Any other officer of proper rank will be accepted for Colonel Hoffman. Brigadier-General Burnside paroled a large number of prisoners taken at Roanoke Island, anticipating that they would be exchanged for prisoners of the United States now held in the South.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

P. S.—I send herewith a small package of letters.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., April 2, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I send herewith by flag of truce Lieutenant-Colonel Bomford, U. S. Army, exchanged for Lieut. Col. John Pegram, C. S. Army. Both of these gentlemen are released from their paroles from this date.

Your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

FORT MONROE, *April 6, 1892.*

Captain FOX, *Assistant Secretary:*

* * * * * * *

A flag of truce this p. m. brought down following released prisoners of war from Richmond: Colonel Bomford, Lieutenant Van Horn, Captain Bliss, U. S. Army, taken in Texas last summer. * * *

FULTON.

HAGERSTOWN, MD., *April 7, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington City, D. C.

GENERAL: If provision has not already been made for my exchange I have the honor respectfully to request of the honorable Secretary of War that a proposition for my exchange may be presented, through General Wool or other source, with Capt. Thomas K. Jackson, chief commissary of General Buckner's staff, surrendered at Fort Donelson, Tenn., and formerly of the U. S. Army, now confined, I think, at Fort Warren. If this request cannot at present be entertained I have the honor to ask that I may be put on duty with the Coast Survey, or in some capacity elsewhere not conflicting with my parole. My history as a prisoner is too well known to the Department to need recapitulation here, yet I trust that it will be considered that I have been a prisoner almost a year, nearly four months of which was passed in Texas. Will you be pleased, general, to inform me of the action of the Department upon this request.

With the highest respect, I am, general, your obedient servant,

H. M. LAZELLE,
Captain, Eighth Infantry, U. S. Army.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, April 8, 1862.

Lieut. Col. I. V. D. REEVE, U. S. Army,
Washington, D. C.

SIR: In reply to your communication of the 4th instant I find from the records of these headquarters that Major-General Huger refused to accept Maj. H. A. Gilliam, Seventh North Carolina Volunteers, in exchange for yourself, he being a volunteer officer. No exchanges have been effected since the 22d of February, General Huger having no

authority to make or accept propositions, consequently your name has not since been submitted; but as soon as the system of exchanges is renewed application will be made to procure your release from your parole.

Very respectfully, your obedient servant,

WM. D. WHIPPLE,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 9, 1862.

Capt. H. M. LAZELLE,
Eighth U. S. Infantry, Hagerstown, Md.

SIR: In reply to your request of the 7th instant to be exchanged for Thomas K. Jackson, now confined at Fort Warren, I have respectfully to inform you that the Department has taken every step within its power to procure the release from confinement and parole of officers and men in the U. S. service. The rebels have, for some reason, not a similar disposition. The proposition to release Jackson cannot at this time be entertained.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
June 12, 1866.

Respectfully returned to the Adjutant-General with the following remarks:

From the within papers* it appears that in the spring of 1861 George Butchosky was a regular soldier in the service of the United States at Fort Bliss, Tex. Soon after the surrender of the traitor Twiggs this man attempted to leave the service and was forcibly detained by Colonel Reeve. A writ of habeas corpus was then sued out in his behalf before a Judge Crosby of one of the State courts, who decided that as Butchosky was a citizen of Texas he owed it paramount allegiance, and that the United States no longer existed as a Government; he therefore ordered his discharge. Colonel Reeve was powerless to resist this illegal action and the man was permitted to leave. He afterward entered the rebel service. He has now presented himself with a request that he be allowed to rejoin his regiment, wherein he held the grade of first duty sergeant, and serve out the term of his original enlistment. He is held a prisoner in the guard-house at Fort Bliss by the commandant, Major Brotherton, who desires instructions as to the course to be pursued.

It is recommended by this Bureau that Butchosky be forthwith brought to trial before a court-martial for desertion, as it is held that the manner of his discharge can in no way serve him as a defense. In taking advantage of such a mockery of the forms of law and leaving his regiment against the commands of his superior officer Butchosky was clearly guilty of aggravated desertion.

J. HOLT,
Judge-Advocate-General.

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* Inclosures not found.

CONFEDERATE CORRESPONDENCE, ETC.

RICHMOND, VA., *July 30, 1861.*

Hon. L. P. WALKER, *Secretary of War, C. S. A.*

HONORABLE SIR: In complying with the request of General Earl Van Dorn, C. S. Army, by reporting in person to you, I desire to solicit at your hands an extension of my present parole to the limits of the original United States.

In this application I beg to call your attention to the fact that I was made a prisoner of war by the simple accident of my position, having been as an officer of the regular army stationed in Texas at the time of the stipulations between its Government and General Twiggs; and that a similar parole to that which I now ask has been granted to other officers made prisoners in Texas under similar circumstances. For more than five years past, with the exception of the three months I have been held a prisoner, I have been on active duty in that country. My health has been injured from the effects of a wound received in an Indian engagement there, and my present position is rendered more embarrassing by my pecuniary means of support having become exhausted without the possibility of my supplying myself with more.

While I do not shrink from any of the consequences of my situation, yet I must in justice to myself say that a political relationship has been wrongly given me while simply engaged in the faithful discharge of duties to the whole country. I trust, sir, that you will think it proper to extend to me this request, in which event every condition of my parole shall be faithfully complied with however such parole is elsewhere regarded, and this whether dependent upon my official relations or otherwise.

With the highest respect, I am, sir, your obedient servant,

H. M. LAZELLE,
Lieutenant, U. S. Army.

SPECIAL ORDERS, No. 52. } HEADQUARTERS DEPARTMENT OF TEXAS, *San Antonio, Tex., August 7, 1861.*

Hereafter the officers of the U. S. Army now held as prisoners of war in this city will be paid by the chief quartermaster at these headquarters the usual commutation allowance for quarters and fuel, and upon their pay accounts all allowance except pay proper and service rations.

By order of General Van Dorn:

T. A. WASHINGTON,
Captain and Assistant Adjutant-General, C. S. Army.

GENERAL ORDERS, No. 1. } GALVESTON, TEX., *September 18, 1861.*

* * * * * * *

IV. Colonel McCulloch will order the removal of the prisoners of war from Camp Verde and place them for safety in detachments at the different posts of his command.

V. Transportation will be furnished by the quartermaster's department. The commissary department will issue subsistence in kind to the prisoners.

By command of Brig. Gen. P. O. Hébert, commanding Military Department of Texas:

SAML. BOYER DAVIS,
Major and Acting Assistant Adjutant-General.

NEW ORLEANS, *October 10, 1861.*

SECRETARY OF WAR:

The prisoners of war are, some of them, destitute of clothing—many without blankets. I would not* have clothed them had I remained in command. There are two companies of artillery among the troops at Bay Saint Louis. Shall I issue forage to them?

D. E. TWIGGS,
Major-General.

RICHMOND, *October 11, 1861.*

General D. E. TWIGGS, *New Orleans:*

Issue forage to the artillery companies in Bay Saint Louis. The prisoners must be furnished with such clothing and covering as are strictly necessary.

J. P. BENJAMIN,
Acting Secretary of War.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 18, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: On yesterday I received your letter† authorizing the commanding officer of this department to extend the parole of Colonel Bomford and other officers therein named now in this department as prisoners of war. If this letter were directory I should most certainly extend the parole to those officers at once; but as it is not directory, and I think there are good reasons that they should not be permitted to go beyond the limits of the Confederate States, I have notified them that the parole will not be extended until I receive further instructions from the War Department.

It is a fact and a deplorable one that has not been kept from the Department at Richmond, that there is a great scarcity of arms and ammunition in this department; and in addition to what has been said let me assure you that the scarcity is even much greater than I had anticipated, and that the want or positive absence of them renders it almost impossible if not entirely so to bring a force into the field sufficient to protect or defend the coast of Texas against the expected invasion by the enemy. It is also a fact that there is some dissatisfaction among the population of this immediate section of the State, and probably along the Rio Grande, and there is no doubt in my mind that a very considerable portion of the population of Mexico on our border would participate in a war on Texas if we were invaded by anything like a

*The language of this telegraphic dispatch is ambiguous, but is printed here as received.

†Not found.

respectable force. And I have no earthly doubt that all these things are known to these officers as well and even better than they are to me or any other secessionist in the State; they know, too, that every officer in this department is making extraordinary exertions to raise men to defend it, and that the troops are coming into the service very slowly; and if the invasion is hurried, it will be upon us before we can possibly be ready. These officers are known to be opposed to us; they associate constantly with that portion of our citizens that are the most disaffected; they are constant visitors at the house and family of Col. C. Anderson whom I refused to permit to go North and now hold as a prisoner of war. One of them, Lieutenant Frank, wrote a letter (a copy sent you with this) to Major Sprague, which was intercepted at New Orleans, which shows the feeling toward us and indicates plainly, I think, that he at least would enter the service against us.

I am satisfied that to permit these officers to go to the United States at this time would be jeopardizing the interests of this State more than the Secretary of War could have had any idea of at the time he consented to extend their paroles; and am unwilling under the circumstances to exercise the authority granted me to that effect without first placing the above information fully before him and await his further directions in the premises.

I occupy a peculiarly unpleasant position here, as General Hébert is in the department; but as he has not relieved me, while I am compelled to discharge the unpleasant and responsible duties of commander of the department I will do so according to my best judgment for the good of the country; and whenever my Government concludes that I am unfit for any position in which I am serving her the authorities have but to indicate the fact to me to get clear of any further annoyance by or trouble with me. I have no disposition to complain at or with any one, but you can readily perceive how very disagreeable my situation is now—an apparent usuper of the power legally belonging to another.

My regiment has been and is still anxious to be engaged in the most active portion of our service, and has been chafing to be with the fighting portion of our army, and I would have proudly received an order at any time to have led them upon such a field; but I have contented myself by saying to my commanding officer that we were ready for any service that our Government might require of us, preferring the most active and dangerous to any other.

I should be pleased to hear from the Department respecting the paroles of the prisoners at the earliest convenient period.

Most respectfully, your obedient servant,

H. E. McCULLOCH,

Colonel, Provisional Army, C. S., Comdg. Department of Texas.

[Indorsement.]

Approve his conduct and applaud his discretion in declining to extend paroles.

[Inclosure.]

SAN ANTONIO, TEX., *August 6, 1861.*

Maj. J. T. SPRAGUE, *Albany, N. Y.*

MY DEAR MAJOR: I have just learned that letters can be sent North by Adams Express, so I will write you a few lines though I doubt much whether it ever reaches you. I suppose you have seen Colonel Reeve

and heard from him all the particulars about the surrender. The officers have been granted paroles limiting them to the seceding States, but Colonel Bomford, Lieutenants Bliss, Van Horn, Jones and myself have thought it best to remain here; the balance have gone to Richmond. I wish you would write me and let me know what our chances are for an exchange, what is the effect of the parole on those officers who have left, &c. The men have been removed from our control and are in camp a few miles from town; but few have left, only four out of E Company. I was very sorry to hear of our defeat at Manassas. It is rumored that the rangers at Fort Bliss have whipped the troops at Fillmore, killing some and making the balance prisoners. I sincerely hope that is not the case; should it be true I shall feel as if we were allowing those who have recently left the Army to take all the laurels which formerly belonged to it. Business is very dull here, many merchants having closed their stores. The Stars and Stripes have many friends in this place yet. I wish you would write me and advise me as to the better course to pursue. I suppose you have been promoted ere this.

Yours, truly,

R. T. FRANK.

P. S.—The report of the surrender of Major Lynde at Fort Fillmore is confirmed, and from the accounts received here it was a most disgraceful affair. Baylor has gone to intercept the four companies from Buchanan, and I fear that they will be so circumstanced that they will be obliged to surrender also, but I pray to God, for the sake of the reputation of the Army, that they may not.

FRANK.

SAN ANTONIO, TEX., *November 11, 1861.*

General HÉBERT, *Commanding Department of Texas.*

SIR: I have a commission to raise for the Confederate service an infantry company to rendezvous at or near Victoria and drill until spring unless the coast is invaded, and wish to raise a company for the above-mentioned service, but find it hard to get Texans to go into infantry companies. They say they will go mounted but no other way; that is a majority say so. I can get a good company among the Federal prisoners that are now at Camp Verde, provided they could get certificates from the mustering officer, or some other officer properly authorized, that the Confederate States would pay what is due them by the old Government. They would nearly all to a man join the Southern army, and there is about 350 of them. If they can get certificates from the Southern Government for their back pay you will oblige me much by letting me know, and to authorize the mustering officer, or some one, to give them their certificates after they shall have been mustered into the Confederate service.

Yours, &c.,

S. W. McALLISTER.

[First indorsement.]

Will Major Maclin please give the general commanding such information as he may possess in regard to the writer and whether what he proposes is advisable.

P. O. HÉBERT,
Brigadier-General.

[Second indorsement.]

CHIEF QUARTERMASTER'S OFFICE,
Galveston, Tex., November 16, 1861.

Respectfully returned to the general commanding for his consideration.

The prisoners now at Camp Verde have from $150 to $300 due each. The Adjutant and Inspector General of the Army was consulted upon the subject of paying the prisoners what was due them by the United States. He replied that no appropriation had been made for such purpose and that they could not be paid. But he was inclined to the belief that the Government would pay them after the war, provided they enlisted and served faithfully. No one therefore can give the pledge demanded by the prisoners. My opinion is that the large sums due the prisoners of war at Camp Verde ought not to be paid; that their services would not justify it. They have been solicited frequently to enter our service and have declined. They have manifested much bitterness against our cause.

Respectfully, your obedient servant,
SACKFIELD MACLIN,
Major, C. S. Army, Actg. Chief Quartermaster, Dept. of Texas.

HDQRS. SECOND REGIMENT TEXAS MOUNTED RIFLES,
Fort Brown, Tex., November 11, 1861.

Capt. D. C. STITH,
Assistant Adjutant-General, C. S. Army, San Antonio, Tex.

CAPTAIN: I have the honor to report that having received information from my spies of the presence of some escaped prisoners of war near the mouth of the Rio Grande I dispatched Captain Nolan and Lieutenant Lively, with twenty-three men, to that point with orders to retake them. They discharged the duty with prudence and propriety. A copy of Captain Nolan's report is inclosed. I shall send the prisoners to San Antonio with the train, which will return within a few days.

I have strong hopes of being able to recapture Colonel Anderson. A Lieutenant Williams, Second U. S. Cavalry, is reported to have been in Matamoras two days ago. I have spies on his track.

* * * * * * *

I have the honor to be, your obedient servant,
JOHN S. FORD,
Colonel, Commanding.

[Inclosure.]

FORT BROWN, TEX., *November 9, 1861.*

Col. JOHN S. FORD,
Comdg. Rio Grande Military District, Fort Brown, Tex.

SIR: I have the honor to report that in accordance with your instructions I left this post on the 6th instant, accompanied by Lieutenant Lively, of Captain Buquor's company, and twenty-three men of my command, and proceeded to the mouth of the Rio Grande. I arrested and brought to this post Charles Douglas and John Brown,* escaped prisoners of war, who were trying to make their way to the United States, and also John Murphy, who was likewise trying to get a passage North. The man Murphy is supposed to be the person who some time since committed a murder at or near Austin, and although I did

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* See Bomford to Maclin, December 11, 1861, p. 96.

not know Murphy, yet as he appeared so anxious to leave the country I thought it my duty to arrest him. I am much indebted to Lieutenant Lively for his valuable assistance; without it I should probably not have succeeded in making the arrests. I turned the prisoners over to Lieutenant Williams, officer of the guard.

I have the honor to be, sir, your obedient servant,

MAT. NOLAN,
Captain, Comdg. Company, Second Regt. Texas Mounted Rifles.

WAR DEPARTMENT, C. S. A.,
Richmond, November 15, 1861.

Maj. Gen. BENJ. HUGER, *Norfolk, Va.*

SIR: Your letter of the 13th instant to the Adjutant-General has been referred to me.

* * * * * * *

Third. Surg. Wyatt M. Brown, of the Seventh Regiment North Carolina Volunteers, arrived here on parole and reports that he is to be released from his parole "upon forwarding to Asst. Surg. De Witt C. Peters, U. S. Army, a similar release from the obligation he is under not to serve or execute the functions of his office to the detriment of the States now at war with the United States." The words just quoted are from the written orders signed by "J. P. Garesché, assistant adjutant-general, by order of Major-General McClellan."

You are authorized to forward in the name of your Government to General Wool a release of the parole of Asst. Surg. De Witt C. Peters, couched in the above-quoted language, with information that Surg. W. M. Brown will thenceforward be considered as released from his parole, and will resume his duties as surgeon of his regiment.

I am, your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

HEADQUARTERS DEPARTMENT OF TEXAS,
Galveston, November 27, 1861.

General S. COOPER,
Adjutant and Inspector General, C. S. Army, Richmond, Va.

SIR: I have the honor to inclose herewith a communication from Lieutenant-Colonel Bomford, U. S. Army, and others, prisoners of war at San Antonio. I have informed the writers that I have submitted their communication to the Secretary of War for his action.

I have the honor to be, very respectfully, your obedient servant,

P. O. HÉBERT,
Brigadier-General, Provisional Army.

[Inclosure.]

SAN ANTONIO, TEX., *November 23, 1861.*

Brig. Gen. PAUL O. HÉBERT,
Commanding Department of Texas.

SIR: We, the undersigned, have the honor to state that a communication from the officers of the U. S. Army held as prisoners of war at this place concerning their parole was forwarded to you at Galveston, Tex., about the 7th instant. As no answer to this communication has yet been received, we respectfully call the attention of the general com-

manding the Department of Texas to this subject, and at the same time mention in support of our request that those officers associated with us as prisoners of war and placed in the same category with ourselves have all been allowed an extended parole. We also respectfully refer to the favorable consideration given to our application by the War Department at Richmond, Va., as well as to the indorsement of that paper by General Van Dorn. In connection with the same subject we beg leave to allude to the case of those U. S. officers taken prisoners by Colonel Baylor at Fillmore, N. Mex., who were allowed the same parole.

J. V. BOMFORD,
Major Sixth Regiment Infantry, Bvt. Lieut. Col. U. S. Army.
Z. R. BLISS,
First Lieutenant, Eighth U. S. Infantry.
J. J. VAN HORN,
Second Lieutenant, Eighth Regiment, U. S. Army.
R. T. FRANK,
Second Lieutenant, Eighth Infantry, U. S. Army.
WM. G. JONES,
Brevet Second Lieutenant, Eighth Infantry, U. S. Army.

SAN ANTONIO, TEX., *December 13, 1861.*

Maj. S. B. DAVIS,
Acting Assistant Adjutant-General, C. S. Army, Galveston, Tex.

SIR: On the 10th of the present month Lieut. D. Lively, C. S. Army, of Captain Buquor's company of infantry, Third Regiment, turned over to me for safe-keeping three prisoners of war whom he had arrested in the country toward the lower Rio Grande—two of them are deserters from the [Federal] prisoners of war in charge of Col. H. E. McCulloch; the other, a murderer (citizen), who, contrary to the tenor of the President's proclamation, was attempting when arrested to make his way into the United States. I removed the manacles from the wrists of the two deserters and substituted balls and chains attached to their legs. I refer you to inclosed copy of written orders (marked 1) issued by me on taking charge of them. I was aware that it was not essential that the orders should be written, yet, as some difficulty had arisen on this head at the time of the escape of another prisoner of war some time since, I thought it best to take every precaution.

Many applications have been made to me by strangers and others to be permitted to visit these prisoners, all of which requests I have promptly declined. I refer you to a letter from Bvt. Lieut. Col. J. V. Bomford, U. S. Army, one of the prisoners of war residing in this city, as bearing on this point (marked 2), and my reply (marked 3), all of which you will oblige me by submitting to the notice of General P. O. Hébert, C. S. Army.

* * * * * * *

As I leave this place for Brownsville on Tuesday next it will be necessary for these prisoners to be committed to the charge of some other officer, and I hope that the course I may adopt on leaving in absence of directions from your office may be approved by the general.

I am, sir, yours, very respectfully,

ROB. B. MACLIN,
Captain, C. S. Artillery, Commanding San Antonio Barracks.

[Inclosure No. 1.]

SPECIAL ORDERS, No. 1. } SAN ANTONIO, *December 9, 1861.*

Immediately after guard mounting every officer of the day will issue the following orders to the sergeants or corporals of the guard in relation to the three prisoners of war now in charge of the guard:

First. To allow no man or woman, friend or foe, to converse with said prisoners of war, or write notes or letters to them on any subject, or furnish them with any written or printed documents, under any pretext whatever.

Second. To allow but one of said prisoners to leave the guard-house at a single time.

* * * * * * *

Fourth. In case escape is attempted the sentinel in charge of said prisoner or prisoners must shoot him or them so attempting to escape, without mercy.

* * * * * * *

Sixth. The sergeant or corporal of the guard to be warned that he is responsible for the safe-keeping of the prisoners to the officer of the day, and the sentinel to the sergeant or corporal of the guard, and also to be warned of the very severe punishment attending a want of strict vigilance on the part of an officer of the guard or sentinel.

ROB. B. MACLIN,
Captain, C. S. Artillery, Commanding San Antonio Barracks.

[Inclosure No. 2.]

SAN ANTONIO, TEX., *December 11, 1861.*

Capt. R. B. MACLIN, C. S. Army,
Commanding Officer, San Antonio.

SIR: Being apprised of the confinement of Sergeant Douglas and Corporal Brown, U. S. Army, now prisoners of war in this place, I have the honor to address you this communication in behalf of myself and other U. S. officers, prisoners of war, residing in San Antonio, for the purpose of obtaining permission to visit them and to ask for them that protection and consideration of their necessities which their helpless condition suggests. I am well aware that no appeal is necessary to insure their relief when your attention is once directed to the subject of their wants.

Very respectfully, your obedient servant,

J. V. BOMFORD,
Major Sixth Regiment Infantry, Brevet Lieut. Col., U. S. Army.

[Inclosure No. 3.]

SAN ANTONIO, TEX., *December 11, 1861.*

Maj. J. V. BOMFORD,
Sixth Regiment Infantry, Brevet Lieutenant-Colonel, U. S. Army.

SIR: Your communication of this date containing a request in behalf of yourself and other U. S. officers residing in this place to be permitted to visit the two deserters from the prisoners of war now in my custody and also asking for them that protection and consideration of their necessities which their helpless condition suggests has been received. My charge of said deserters being but temporary in the absence of higher authority I feel it my duty respectfully to decline your request

to be permitted to visit them. Every comfort compatible with their condition shall be given them, and most surely every protection extended to them. This having been the course of the Confederate States adopted toward its prisoners since the commencement of the present war, I could not if I wished act otherwise.

Very respectfully, your obedient servant,

ROB. B. MACLIN,
Captain, C. S. Light Artillery, Comdg. San Antonio Barracks.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 11, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: * * * By direction of the Secretary of War I have already offered Lieut. William G. Jones, Tenth Infantry, to Flag-Officer Goldsborough for Lieutenant Sayre, of the Marine Corps, now on parole. General Wool also agrees to receive 147 wounded prisoners, via James River, at such time as may be agreed upon. I notify General Winder.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 17, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: * * * A late letter from General Wool states he had requested that Colonel Hoffman should be given for Colonel Bradford, of North Carolina, whereas we have offered Brevet Colonel Chandler, Third Infantry. What reply shall I give?

B. H[UGER].

[Indorsement.]

Inform General Huger that Colonel Hoffman is of higher rank than Colonel Bradford, who was merely a brevet or temporary colonel of twelve-months' volunteers, not even equal in rank to Brevet Colonel Chandler who was given in exchange. We can only give a full colonel like Hoffman for an officer of equal grade.

Adjutant-G[eneral.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 22, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose herewith copy of a letter received from Maj. Gen. John E. Wool on the evening of January 20.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Indorsement.]

JANUARY 23, 1862.

Respectfully submitted to Secretary of War.

Captain Farley, aide de-camp to Brigadier-General Bonham, is only a first lieutenant and as such cannot be exchanged with a captain.

S. COOPER,
Adjutant and Inspector General.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 20, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I am directed to propose to you that Capt. W. D. Farley, aide to General Bonham, and Lieut. F. de Caradine, held in Washington as prisoners taken in arms against the United States, shall be released and sent to Norfork, on condition that Capt. J. H. Potter, Seventh U. S. Infantry, and Lieut. H. M. Lazelle, Eighth Infantry, shall be released from their parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, C. S. A.,
Richmond, January 23, 1862.

Maj. Gen. BENJ. HUGER, *Norfolk.*

SIR: I have your several letters of 11th, 18th, 20th, 22d, and 23d, on subject of exchange of prisoners.

First. By your letter of 11th instant you informed me that you had offered to Commodore Goldsborough Lieut. William G. Jones for Lieutenant Sayre, of Marine Corps. By your letter of 20th instant you state that you offered Lieutenant Dickinson for Tattnall before getting instructions to offer him for Sayre. By my two letters of 29th December you were requested to offer Dickinson for Sayre, Jones for Tattnall. I do not see who has been given to us for Jones, and yet you ask for another lieutenant to be given for Sayre. Please explain.

Second. Lieutenant-Colonel Pegram, for whom Colonel Willcox is demanded in exchange by General Wool, informs me that he notified General McClellan that no such exchange was to be hoped for, and received for reply from the adjutant-general the statement that Lieutenant-Colonel Bomford would be taken in exchange for him. I shall send Lieutenant-Colonel Bomford in exchange for Lieutenant-Colonel Pegram as soon as he can arrive from Texas.

I consent to the following exchanges proposed in General Wool's letter of the 17th:

* * * * * * *

We will give First Lieut. R. T. Frank for First Lieut. Thomas H. Allen.

* * * * * * *

Fourth. On further examination I see that General Wool, in his letter of 19th, proposes to give T. S. Wilson for First Lieut. W. G. Jones. I decline the proposal, and adhere to the offer of Jones for Sayre, as you have given Dickinson for Tatnall.

* * * * * * *

Seventh. * * * For Captain Barron I would give Colonel Hoffman, Eighth Regiment, U. S. Infantry.

* * * * * * *

Please tender this.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—As a number of the officers above offered are at a distance it will take some weeks to get them all to Norfolk.

RICHMOND, VA., *January 23, 1862.*

The Hon. SECRETARY OF WAR.

SIR: I have the honor to inform you that after I left Fort Warren for this city I received a letter from the Adjutant-General of the U. S. Army, stating that if I failed to obtain the release of Col. O. B. Willcox in exchange for my own release, Bvt. Lieut. Col. J. V. Bomford would be received in my place. This letter was kept at Fortress Monroe by Major-General Wool.

I am, sir, very respectfully, your obedient servant,

JNO. PEGRAM,
Lieutenant-Colonel, Provisional Army, C. S.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, January 23, 1862.

Maj. Gen. BENJ. HUGER, *Commanding at Norfolk, Va.*

SIR: The Secretary of War decides that Colonel Hoffman is of higher rank than Colonel Bradford, who was merely a brevet or temporary colonel of twelve-months' volunteers, not even equal in rank to Brevet Colonel Chandler, who was given in exchange. A full colonel like Hoffman can only be given for an officer of equal grade.

Very respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

WAR DEPARTMENT, C. S. A.,
Richmond, January 24, 1862.

Brig. Gen. JOHN H. WINDER, *Richmond.*

SIR: The following-named prisoners of war have been given in exchange by my orders, and you are instructed to have them sent to Norfolk, to be forwarded by General Huger to Fortress Monroe:

First. Lieutenant-Colonel Bomford, Eighth U. S. Infantry, exchanged for Lieutenant-Colonel Pegram.

* * * * * * *

Ninth. First Lieut. R. T. Frank, U. S. Army, for First Lieut. Thomas H. Allen, North Carolina.

* * * * * * *

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, C. S. A.,
Richmond, January 26, 1862.

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: First. In response to yours of 23d instant, inclosing offer of General Wool for exchange of Messrs. Claiborne and Forrest for Maj. James V. Bomford, Sixth Infantry, I remark that Major Bomford has already been tendered for Pegram. I now offer for these two naval officers Maj. D. H. Vinton, of the U. S. Army. I learn from what seems good authority that Major Vinton, released on parole in Texas, has been and is now in service of the United States at West Point, thus relieving other officers for active service and violating his parole. I hope this statement is not true, but it will be not inopportune to report the matter to General Wool and making inquiry into the truth of a report so derogatory to the reputation of Major Vinton.*

* * * * * * *

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

NORFOLK, *January 26, 1862.*

Hon. W. N. H. SMITH.

MY DEAR SIR: I am released on parole for thirty days to secure the release of Major Reeve, of the Regular Army. If you feel any interest in my story, and think I can be of equal service here to his release, please see the Secretary of War and effect my exchange. My parole is for thirty days only. The chief object of my visit is to secure the release of our prisoners of war at Fort Warren. We have now 400 men and officers there from our State and Virginia. Colonel Dimick, the commandant, wishes the Texas regulars now in Texas (244) released. Upon the assurance from Colonel [General] Huger that they will be released he will immediately release all the men and officers. These Texans are the oldest prisoners and farthest removed from any aid, have fewest friends and sympathizers at home.

Do try and have this accomplished and as soon as possible. Our soldiers are dispirited at their long confinement, and want much to be at home. They will all go in for the war, and are as good as regulars. Call in the aid of Bridgers, Davis, Dortch and Bragg for our men, and have General Huger to give the proper reply. I will be in Richmond on Thursday or Saturday night. Meantime help us if possible. I go home to-morrow to see my wife and see after Burnside. I left Wise very well.

Very truly,

H. A. GILLIAM.

[Indorsement.]

Major Gilliam, the writer of this, is major of the Seventh [Seventeenth] North Carolina Volunteers, captured at Hatteras, and is well known to me, and I should be glad to have the release asked for.

W. N. H. SMITH.

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* See Huger to Wool, January 29, p. 78.

WAR DEPARTMENT, C. S. A.,
Richmond, January 28, 1862.

Maj. Gen. BENJ. HUGER, *Norfolk, Va.*

SIR: I have your letter of 27th instant in relation to exchanges proposed by Maj. Gen. John E. Wool in his letters to you of 24th and 25th instant. I will give Lieutenant Van Horn, of Eighth U. S. Infantry, in exchange for Midshipman Wharton. Lieutenant Van Horn has been ordered here from Texas, and will be sent to you on his arrival.

* * * * * * *

Your obedient servant.

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, C. S. A.,
Richmond, February 13, 1862.

Brig. Gen. J. H. WINDER, *Richmond, Va.*

SIR: Lieut. R. T. Frank, Eighth Infantry, U. S. Army, is to be exchanged for Lieutenant Allen, and Lieut. W. G. Jones is to be exchanged for Lieutenant Tattnall. Send Lieutenants Frank and Jones to General Huger.

Your obedient servant,

ROBT. OULD,
Assistant Secretary of War.

HEADQUARTERS WESTERN MILITARY DISTRICT,
San Antonio, Tex., February 13, 1862.

Maj. SAMUEL BOYER DAVIS,
Assistant Adjutant-General.

SIR: The orders respecting the exchange of the (officers) prisoners of war in Texas have been received and promptly delivered to those at and near this place.

General Orders, No. 6,* from the department commander, reached me by mail this morning and will be distributed immediately.

Most respectfully, your obedient servant,

H. E. McCULLOCH,
Colonel, Commanding Western Military District.

WAR DEPARTMENT, C. S. A.,
Richmond, Va., February 16, 1862.

Maj. Gen. B. HUGER, *Norfolk, Va.*

SIR: This letter will be handed you by Maj. H. A. Gilliam, sent here on parole for exchange with Major Reeve, U. S. Army, or Major Sibley, U. S. Army.

I have already informed you that I decline to exchange regulars for volunteers. I also decline to allow the enemy to choose their exchanges, picking out the officers on both sides.

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* Not found.

Major Gilliam therefore returns to the enemy. If a parole is granted him until exchanged for an officer of equal grade such exchange will be accepted and we will send an officer of equal grade, and I beg that you give him a letter to that effect.

* * * * * * *

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, VA., *March 28, 1862.*

SECRETARY OF WAR, C. S. A., *Richmond, Va.*

SIR: We have the honor to make the following communication concerning our confinement, for the purpose of effecting if possible an advantageous change of our condition as prisoners by exchange or parole:

We arrived in Richmond on parole March 10 and since which time we have suffered confinement, which has now been extended beyond the limits of what we consider to be a temporary duress depending on some immediate military necessity. We respectfully refer to our original paroles,* as well as letter order from Adjutant-General's Office, dated Richmond, January 24, 1862, copies of which papers are herewith inclosed.

Very respectfully, your obedient servants,

J. V. BOMFORD,
Major Sixth Regiment Infantry, Bvt. Lieut. Col., U. S. Army.
Z. R. BLISS,
Lieutenant, Eighth U. S. Infantry.
J. J. VAN HORN,
Lieutenant, Eighth Infantry, U. S. Army.

[Indorsement.]

Direct General Winder to inform such of the signers as are still here that they are detained because the United States have not reciprocated in the last release of prisoners, and have declined a general exchange, after agreeing to it through General Wool.

G. W. R[ANDOLPH].

[Inclosure.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, January 24, 1862.

Brig. Gen. P. O. HÉBERT,
Commanding Department of Texas, Houston, Tex.:

SIR: The Secretary of War directs that all U. S. officers taken prisoners during the war and now in Texas be sent to Richmond for exchange.

I am, sir, very respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

HEADQUARTERS, *Richmond, Va., March 31, 1862.*

Maj. Gen. B. HUGER, *Commanding Department, Norfolk, Va.*

GENERAL: On yesterday I wrote you† that there was no objection to the exchange proposed by General Wool between Colonel Hoffman,

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* Omitted. † Not found.

U. S. Army, and Captain Barron, C. S. Navy; you are now authorized to state that his proposition is accepted.

Colonel Hoffman is now on parole within the United States, and as soon as Captain Barron arrives at Norfolk you will inform Colonel Hoffman that he is released from his parole.

I am, very respectfully, your obedient servant,

R. E. LEE,
General, Commanding.

HEADQUARTERS, *Richmond, Va., April 3, 1862.*

Maj. Gen. B. HUGER, *Commanding Department, Norfolk, Va.*

GENERAL: I am directed by General Lee to acknowledge the receipt of your letter of the 2d instant,* inclosing copy of one from General Wool saying that the exchange of Captain Barron, C. S. Navy, for Colonel Hoffman, U. S. Army, had been refused. The authority sent you to effect this exchange was based upon the letter from General Wool of the 27th ultimo, wherein he says:

> I agree to the exchange of Colonel Hoffman for Captain Barron.

The general instructs me to say that he can name no other officer for whom Colonel Hoffman can be exchanged.

I am, general, very respectfully, your obedient servant,

W. H. TAYLOR,
Assistant Adjutant-General.

HDQRS. DEPT. OF HENRICO, *Richmond, April 3, 1862.*

General B. HUGER, *Norfolk.*

GENERAL: I send by order of the Secretary of War the following officers to be exchanged, viz: Colonel Bomford for Colonel Pegram; Colonel Woodruff for Colonel Willie; Captain Bliss for Lieutenant Myers, of the Navy; Lieutenant Van Horn for Midshipman Wharton.

* * * * * * *

These prisoners are sent by my aide-de-camp, Lieutenant Winder.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

ADDENDA.

GENERAL ORDERS, No. 10. } WAR DEPT., ADJT.-GENERAL'S OFFICE, *Washington, January 10, 1863.*

I. The following officers and men have been declared duly exchanged as prisoners of war since the announcement in General Orders, No. 191, of November 19, 1862:

* * * * * * *

6. All captures of officers, enlisted men, and camp followers, in Missouri, Kansas, Arkansas, New Mexico, Texas, Arizona, and Louisiana, up to January 1, 1863.

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

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* Not found.

GENERAL ORDERS, No. 34. } HDQRS. DEPARTMENT OF THE GULF, NINETEENTH ARMY CORPS, *Opelousas, April 25, 1863.*

Sergeants Brady, Stapleton, McCormick, Reinhardt, Sheble, Neal, Harris, Darker, Brannan, and 269 men of the Eighth Infantry, Army of the United States, whose names are affixed,* having been exchanged by the rebel government whose prisoners they were, arrived at New Orleans on the 25th of February, 1863, and a portion of them, under command of Lieut. Copley Amory, Fourth Cavalry, reached this point on the 23d instant, to share with us the honors of this campaign. It has been deemed but an act of justice to these gallant men to relieve them from this service and to expedite their return to the North. They separate from the command this day. In honor of their departure the commanding general has ordered a national salute, and a similar honor will be paid them at their departure from New Orleans. Captain Bainbridge at Opelousas and Brigadier-General Sherman at New Orleans are charged with the execution of this order.

These troops were shamefully and unconditionally surrendered to the rebel authorities in Texas by their commanders on the 9th day of May, 1861. Separated from their officers, divided into squads, and removed to different posts on the frontiers of Texas, deprived of pay for more than two years, they were subjected to degrading labors, supplied with scanty food and clothing, and sometimes chained to the ground or made to suffer other severe military punishments. Recruiting officers visited them daily, offering them commissions and large bounties to desert their flag. Notwithstanding the false reports of the overthrow of their Government, which seduced so many men of higher pretensions and position, unsustained by counsel with each other, with few exceptions they repelled the bribes and avoided the treason. Those who chose a different course did it to escape their prison.

No government ever had more loyal supporters. Officers of the Army and Navy, to whom they had a right to turn for counsel and example, who had been educated by the Government, who never received a month's pay that was not drawn from its coffers, nor bore an honor that it did not confer, at the first suggestion of treason betrayed the mother that nursed them, and deserted the flag that protected them. With every branch of the Government within their control and the continent under their feet they yielded to the indecency and folly of the rebellion, and without a shadow of cause sought to blacken the name of America and Americans by fastening upon them the greatest crime of human history—that of destroying the best government ever framed, and annihilating the hopes of the human race in republican liberty. Thank God! the officers could not corrupt the men they commanded. Not a soldier nor a sailor voluntarily abandoned his post. The poisonous subtleties of secession never touched the hearts of the people, nor led them to substitute the guilty ambition of popular, vulgar, low-bred provincialism for the hallowed hopes of national patriotism.

Soldiers, let the gallant men that part from us to-day receive the honors they deserve. Let them hear the peal of cannon and the cheers of the line. Let them receive, wherever they go, the homage of the Army and Navy together. The Army and Navy forever!

By command of Major-General Banks:

RICHARD B. IRWIN,
Assistant Adjutant-General.

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* List omitted.

EARLIER CAPTURES AND ARRESTS, AND MEASURES OF PACIFICATION IN MISSOURI.

SUMMARY OF PRINCIPAL EVENTS.

Mar. 13, 1861.—Capt. Nathaniel Lyon, Second U. S. Infantry, assigned to the command of Saint Louis Arsenal, with subsequent orders to arm loyal citizens and execute the laws.

May 6, 1861.—Brig. Gen. Daniel M. Frost, Missouri State Militia, establishes a camp of instruction near Saint Louis, by direction of the governor of Missouri.

10, 1861.—Capt. Nathaniel Lyon, Second U. S. Infantry, with a force of U. S. volunteers, makes prisoners of General Frost and his entire command of Missouri Militia.

16, 1861.—Capt. Nelson Cole, Fifth Missouri Infantry, enters Potosi and arrests a number of citizens.

July 5, 1861.—Brig. Gen. Ben. McCulloch, C. S. Army, at Neosho, captures and paroles eighty Union soldiers belonging to the command of Brig. Gen. Franz Sigel, U. S. Army.

29, 1861.—Brig. Gen. John Pope, U. S. Army, assumes command in North Missouri, with instructions to protect the railroads and suppress local disorders.

31, 1861.—Brig. Gen. John Pope, U. S. Army, issues General Orders, No. 3, and formulates a plan for the suppression of the lawless elements and permanent pacification of North Missouri.

Aug. 16, 1861.—Marauders fire into a passenger train upon the Hannibal and Saint Joseph Railroad.

28, 1861.—The War Department, at Washington, directs that certain paroled prisoners be discharged from the military service of the United States.

30, 1861.—Maj. Gen. John C. Frémont, U. S. Army, proclaims martial law throughout Missouri; orders the arrest of all disloyal persons found within the Union lines armed, and the confiscation of their property, and directs that the extreme penalty of the law be inflicted on the destroyers of railroad and telegraph lines, bridges, &c.

Sept. 2, 1861.—Brig. Gen. M. Jeff. Thompson, C. S. Army, issues a proclamation threatening retaliation.

3, 1861.—Brig. Gen. Gideon J. Pillow, C. S. Army, and Col. William H. L. Wallace, Eleventh Illinois Infantry, negotiate an exchange of prisoners of war.

20, 1861.—Maj. Gen. Sterling Price, Missouri State Guard, captures Lexington and the U. S. forces under command of Col. James A. Mulligan, Twenty third Illinois Infantry.

Oct. 26, 1861.—Maj. Gen. John C. Fremont, U. S. Army, commanding the Western Department, and Maj. Gen. Sterling Price, Missouri State Guard, commanding Confederate forces in Missouri, conclude an agreement for the exchange of prisoners.

Nov. 7, 1861.—Maj. Gen. David Hunter, U. S. Army, successor of General Frémont, repudiates the Frémont-Price convention.

Jan. 12, 1862.—Maj. Gen. Sterling Price, Missouri State Guard, writes to Maj. Gen. Henry W. Halleck, U. S. Army, commanding Department of the Missouri, protesting against the capital punishment of his men for bridge burning, &c.

Capture and Parole of the Camp Jackson (Mo.) Militia.—Final Disposition of the Prisoners.

[For Reports, Orders, Correspondence, etc., relating to contemporaneous military and political events in Missouri not found hereinafter, see Series I, Vol. I, p. 637 *et seq.;* Vol. III, pp. 1–749; and Vol. VIII, pp. 1–834.]

WASHINGTON CITY, *March 11, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: Our friends in Saint Louis desire that Captain Lyon may have the command of the troops at the Saint Louis Arsenal, and be charged with its defense, and that Major Hagner be required simply to take charge of the ordnance department. Captain Lyon ranks Major Hagner and would have command of the troops except for the fact that Major Hagner is assigned to duty according to his brevet rank. I ask in behalf of our friends that this assignment may be rescinded and the command of the troops given to Captain Lyon.

Respectfully,

FRANK P. BLAIR.

SPECIAL ORDERS, No. 74. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, March 13, 1861.*

Capt. N. Lyon, Second Infantry, the senior officer of the line present and on duty at Saint Louis Arsenal, Mo., is assigned to the command of the troops and defenses at that post.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 21, 1861.

Capt. N. LYON, *Second Infantry, East Saint Louis:*

General Harney has this day been relieved from his command. The Secretary of War directs that you immediately execute the order previously given to arm the loyal citizens, to protect the public property and execute the laws. Muster four regiments into the service.

L. THOMAS,
Adjutant-General.

LEBANON, ILL., *May 11, 1861.*

Hon. SIMON CAMERON, *Secretary of War:*

Two thousand troops, under Captain Lyon, surrounded Camp Jackson yesterday; took 1,200 State troops, with camp equipage, into custody. Cannon stolen at Baton Rouge were recovered. Prisoners were offered release on parole but refused it. They were marched to arsenal an hour after surrender. Excited populace grossly outraged U. S. troops, and finally fired on them. The fire was returned, but immediately suppressed by Captain Lyon; 15 or 20 populace, 3 U. S. troops wounded. Intense excitement in the city. Four thousand home guards under arms patrolling streets all night. Habeas corpus writs will be applied for to-day to release prisoners, but will be disregarded by Lyon. Many prisoners marched through streets hurrahing for Jeff. Davis. Left arsenal at midnight; will arrive Monday at Washington. Our friends fear return of Harney to Saint Louis and protest against it.

J. B. EADS.

WAR DEPARTMENT,
Washington, D. C., May 11, 1861.

J. T. SANDERSON, *Chief Clerk:*

The following has just been received from Saint Louis:

General Frost's brigade Missouri militia at Camp Jackson surrendered unconditionally at demand of Federal troops. Release on parole offered but declined on ground that to take oath would imply they had been in arms against U. S. authorities which they [denied]. While State troops were drawn up between two lines Union volunteers, stones were thrown, pistols were shot, one of which entered leg of Captain Blandowsky, who, while falling, gave command to fire. Twenty persons, including two women and several children, killed and many others wounded. Great excitement, and Republican newspapers threatened by mob.

P. S. SANDERSON.

SAINT LOUIS ARSENAL, *May 11, 1861.*

Col. L. THOMAS, *Adjutant-General U. S. Army.*

SIR: In compliance with instructions from your office of the 30th ultimo, I accepted, swore in, and armed 3,436 men and 70 officers of the loyal citizens of Saint Louis, as a reserve corps, for the protection of Government property and enforcement of its laws, on the 7th and 8th instant, and should probably have still further proceeded in receiving further offers but for events to which I will now advert. The steamer J. C. Swan arrived at Saint Louis on the night of the 8th, with a large supply of military stores, including, as I was informed, muskets, ammunition, and cannon taken on board at Baton Rouge, and there obtained from the arsenal. The boat arriving in the night great industry was used to transport these stores during the night (and before being likely to be exposed in the morning) to the camp of what is called the State militia, and which is made up for the most part of what has for a long time been known as a body of rabid and violent opposers of the General Government, and who have, during this time, been a terror to all loyal and peaceful citizens.

Their extraordinary and unscrupulous conduct, and their evident design, and of the governor of this State, to take a position of hostility

to the United States, are matters of extensive detail and of abounding evidence. Having appealed to the South for assistance every appearance indicated a rapid accumulation of men and means for seizing Government property and overturning its authority. I accordingly foresaw that under the extraordinary measures of the governor and Legislature of this State aggressions would soon commence against the General Government on the part of these opposers of it, and of all who were in such a state of hostilities, willing to support the State against the Government. Of this there can be no doubt, as also that the issue would be taken by the State as soon as she felt able to sustain it. It was therefore necessary to meet this embarrassing complication as early as possible, and accordingly I proceeded yesterday with a large body of troops, supported by artillery, to the camp above referred to, and which is situated in the western part of the city, at what is known as Lindell's Grove, between Olive street and Laclede avenue, and arrived at 3.15 p. m., and demanded of General Frost, the commander, a surrender of his entire command. Copies of the correspondence are herewith inclosed.*

Of the stores from Baton Rouge Arsenal, so far as understood, there were found three 32-pounder guns, one mortar, three mortar beds, and a large supply of shot and shells in ale barrels. All these artillery pieces were in boxes of heavy plank, and were addressed "Tamoroa, care of Greely & Gale, Saint Louis," "I. C. R. R.," to whom no delivery was made, this being a guise to cover the movement, and Greely & Gale being known as strong Union men saved them from close scrutiny. No doubt many arms, the mortars corresponding to the beds, and other war materials were received, agreeably to numerous reports made, but which can be obtained only by a thorough search over the city. Of the material besides tents, baggage, camp equipments, &c., left in camp by the troops, were 1,200 rifle muskets of U. S. manufacture, late model, .58 caliber; 6 field pieces, brass; 25 kegs of powder; from 30 to 40 horses; and several arm-chests of arms understood to be like the 1,200 muskets mentioned.

During the surrender of Camp Jackson and their passage into our lines a mob attacked our force, a published account of which will be transmitted.† The prisoners, some 50 officers and 639 men, were marched under guard to this post, previous to which Camp Jackson was taken possession of by two regiments of volunteers and two companies of regulars, under command of Captain Sweeny, who remained in possession all night, bringing the entire camp equipage and munitions of war into this arsenal this morning. To-day the prisoners were all released (with the exception of one captain, who declined this parole)—the officers on their parole of honor not to fight against the United States during this war, and the men on their oath to the same effect.

You will see by the returns of an election of brigadier-general for the volunteer brigade raised here that I have been elected to this office, which, so far as depends upon me, I have accepted, and the duties of which I am now performing under the authority of the President. This subject is submitted for such action as the Department may determine to be proper.

Since the foregoing was written I have noticed among the stores taken from Camp Jackson were parts of muskets, all separate, and apparently without ever having been put together, and were doubtless taken in this condition from the arsenal.

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* For Frost's second letter of May 10, inclosed by Lyon, see Frost to Harney, May 11.
† No such inclosure found.

It is proper and gratifying to mention that Captain Callender, in charge of the ordnance, has not, either through punctilious exactions about forms and responsibilities or assumed monopoly of corps above the power of the Government itself, attempted to embarrass me, but, on the contrary, has cordially and most efficiently co-operated to advance the Government interests.

Col. F. A. Dick of this city who has to this time served as adjutant-general of the brigade of volunteers, will be the bearer of this, and visits Washington on business connected with the Government interests at this place.

Respectfully, your obedient servant,

N. LYON,
Captain, Second Infantry, Commanding.

[Inclosure No. 1.]

HEADQUARTERS CAMP JACKSON, MISSOURI MILITIA,
May 10, 1861.

Capt. N. LYON,
Commanding U. S. Troops in and about St. Louis Arsenal.

SIR: I am constantly in receipt of information that you contemplate an attack upon my camp, whilst I understand that you are impressed with the idea that an attack upon the arsenal and U. S. troops is intended on the part of the militia of Missouri. I am greatly at a loss to know what could justify you in attacking citizens of the United States who are in the lawful performance of duties devolving upon them under the Constitution in organizing and instructing the militia of the State in obedience to her laws, and therefore have been disposed to doubt the correctness of the information I have received.

I would be glad to know from you personally whether there is any truth in the statements that are constantly poured into my ears. So far as regards any hostility being intended toward the United States or its property or representatives, by any portion of my command, or, as far as I can learn (and I think I am fully informed), of any other part of the State forces, I can say positively that the idea has never been entertained. On the contrary, prior to your taking command of the arsenal, I proffered to Major Bell, then in command of the very few troops constituting its guard, the services of myself and all my command, and, if necessary, the whole power of the State, to protect the United States in the full possession of all her property. Upon General Harney's taking command of this department I made the same proffer of services to him, and authorized his adjutant-general, Captain Williams, to communicate the fact that such had been done to the War Department. I have had no occasion since to change any of the views I entertained at that time, neither of my own volition nor through the orders of my constitutional commander.

I trust that, after this explicit statement, we may be able, by fully understanding each other, to keep far from our borders the misfortunes which so unhappily afflict our common country.

This communication will be handed to you by Colonel Bowen, my chief of staff, who will be able to explain anything not fully set forth in the foregoing.

I am, sir, very respectfully, your obedient servant,

D. M. FROST,
Brig. Gen., Comdg. Camp Jackson, Missouri Vol. Militia.

[Inclosure No. 2.]

HEADQUARTERS U. S. TROOPS,
Saint Louis, Mo., May 10, 1861.

General D. M. FROST, *Commanding Camp Jackson.*

SIR: Your command is regarded as evidently hostile toward the Government of the United States. It is, for the most part, made up of those secessionists who have openly avowed their hostility to the General Government and have been plotting at the seizure of its property and the overthrow of its authority.

You are openly in communication with the so-called Southern Confederacy, which is now at war with the United States; and you are receiving at your camp from the said Confederacy and under its flag large supplies of the material of war, most of which is known to be the property of the United States.

These extraordinary preparations plainly indicate none other than the well-known purpose of the governor of this State, under whose orders you are acting, and whose purposes, recently communicated to the Legislature, have just been responded to by that body in the most unparalleled legislation, having in direct view hostilities to the General Government and co-operation with its enemies.

In view of these considerations, and of your failure to disperse in obedience to the proclamation of the President, and of the eminent necessities of State policy and welfare, and the obligations imposed upon me by instructions from Washington, it is my duty to demand, and I do hereby demand, of you an immediate surrender of your command, with no other conditions than that all persons surrendering under this demand shall be humanely and kindly treated. Believing myself prepared to enforce this demand one-half hour's time before doing so will be allowed for your compliance therewith.

Very respectfully, your obedient servant,

N. LYON,
Captain, Second Infantry, Comdg. Troops.

SAINT LOUIS ARSENAL, *May 12, 1861.*

Col. L. THOMAS,
Adjutant-General U. S. Army, Washington.

SIR:

* * * * * * *

It is with great delicacy and hesitancy I take the liberty to observe that the energetic and necessary measures of day before yesterday, and reported in my communication of yesterday, require persevering and consistent exertion to effect the object in view of anticipating combinations and measures of hostility against the General Government, and that the authority of General Harney under these circumstances embarrasses, in the most painful manner, the execution of the plans I had contemplated, and upon which the safety and welfare of the Government as I conceive so much depend, and which must be decided in a very short period.

Very respectfully, your obedient servant,

N. LYON,
Captain, Second Infantry, Commanding.

SAINT LOUIS, MO., *May 13, 1861.*

Lieut. Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: I have the honor to report for the information of the general-in-chief that in obedience to the instructions of the honorable Secretary of War, communicated to me through the Adjutant-General of the Army, I resumed command of the Department of the West the 11th instant. On my arrival at Saint Louis I found very great excitement prevailing throughout the community in consequence of the capture on the 10th instant of the brigade of Missouri militia under the command of Brig. Gen. D. M. Frost while in camp near this city by the U. S. forces under the command of Capt. N. Lyon, Second Infantry. I am informed that a detailed report of that affair was forwarded previous to my resuming command of the department, but I deem it proper to state that the conduct of Captain Lyon on the occasion meets with my entire approval.

As serious apprehensions were entertained yesterday morning that the excitement existing in the city would result in an outbreak in the course of a few hours unless allayed, I deemed it necessary to issue a proclamation, of which the inclosed is a copy, and which I am assured was well received and had the effect to tranquilize the public mind. I also ordered up from the arsenal some 250 regular troops with four pieces of artillery to aid the civil authorities in the preservation of the public peace. I am happy to add that all indications of the threatened disturbance have disappeared.

I am, sir, very respectfully, your obedient servant,

WM. S. HARNEY,
Brigadier-General, Commanding.

[Inclosure.]

PROCLAMATION.

MILITARY DEPARTMENT OF THE WEST,
Saint Louis, Mo., May 12, 1861.

I have just returned to this post and have assumed the military command of this department. No one can more deeply regret the deplorable state of things existing here than myself. The past cannot be recalled; I can only deal with the present and the future. I most anxiously desire to discharge the delicate and onerous duties devolved upon me so as to preserve the public peace. I shall carefully abstain from the exercise of any unnecessary powers and from all interference with the proper functions of the public officers of the State and city. I therefore call upon the public authorities and the people to aid me in preserving the public peace.

The military force stationed in this department by authority of the Government and now under my command will only be used in the last resort to preserve the peace. I trust I may be spared the necessity of resorting to martial law, but the public peace must be preserved and the lives and property of the people protected. Upon a careful review of my instructions I find I have no authority to change the location of the home guards. To avoid all cause of irritation and excitement if called upon to aid the local authorities in preserving the public peace I shall in preference make use of the Regular Army.

I ask the people to pursue their peaceable avocations, and to observe the laws and orders of their local authorities, and to abstain from the excitements of public meetings and heated discussions. My appeal I trust may not be in vain, and I pledge the faith of a soldier to the earnest discharge of my duty.

WM. S. HARNEY,
Brigadier-General, U. S. Army, Commanding Department.

HEADQUARTERS DEPARTMENT OF THE WEST,
Saint Louis, Mo., May 17, 1861.

Capt. N. LYON,
Second Infantry, Comdg. Troops, Saint Louis Arsenal, Mo.

SIR: The commanding general desires that you will furnish him by the bearer with a certified copy of the parole given by the members of the brigade of Missouri Volunteers captured at Camp Jackson the 10th instant by the forces of the United States under your command.

I am, sir, very respectfully, your obedient servant,

S. WILLIAMS,
Assistant Adjutant-General.

SAINT LOUIS ARSENAL, *May 17, 1861.*

Capt. S. WILLIAMS,
Headquarters Department of the West, Saint Louis, Mo.

SIR: The parole given by the officers taken at Camp Jackson was kept by Lieutenant Schofield, who is not at present in the arsenal. The men of the ranks took the following oath:

You do solemnly swear that you will not serve in any capacity against the Government of the United States during the civil war now existing.

The parole of the officers, pretty much to the same effect, will be sent as soon as I can get it.

Very respectfully, your obedient servant,

N. LYON,
Captain, Second Infantry, Commanding.

SAINT LOUIS ARSENAL, *May 17, 1861.*

Capt. S. WILLIAMS.

DEAR SIR: The following is a verbatim copy of parole taken by staff and regimental officers:

We, the undersigned, do pledge our words as gentlemen that we will not take up arms or serve in any military capacity against the United States during the present civil war. This parole to be returned upon our surrendering ourselves at any time as prisoners of war. While we sign this parole with a full intention of observing it, we nevertheless protest against the justice of its exactions.

Very respectfully, your obedient servant,

N. LYON,
Captain, Second Infantry, Commanding.

HEADQUARTERS DEPARTMENT OF THE WEST,
Saint Louis, Mo., May 18, 1861.

Lieut. Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: I have the honor to transmit herewith a communication addressed to me under date of the 11th instant by Brig. Gen. D. M. Frost, Missouri Volunteer Militia, in relation to the capture of his command at Camp Jackson near this city, May 10, 1861, by the U. S. troops under the command of Capt. N. Lyon, Second Infantry.

I respectfully request the instructions of the Government respecting the transaction to which General Frost invites attention, and I recommend that the private property captured, munitions of war excepted, be restored.

I am, sir, very respectfully, your obedient servant,
WM. S. HARNEY,
Brigadier-General, Commanding.

[Inclosure.]

SAINT LOUIS ARSENAL, MO., *May 11, 1861.*

General WILLIAM S. HARNEY, U. S. Army,
Commanding Department of the West.

SIR: In accordance with the laws of the State of Missouri which have been existing for some years and in obedience to the orders of the governor, on Monday last* I entered into an encampment with the militia force of Saint Louis County for the purpose of instructing the same in accordance with the laws of the United States and of this State. Every officer and soldier in my commond had taken with uplifted hand the following oath, to wit:

You, each and every one of you, do solemnly swear that you will honestly and faithfully serve the State of Missouri against all her enemies, and that you will do your utmost to sustain the Constitution and laws of the United States and of this State against all violence of whatsoever kind or description; and you do further swear that you will well and truly execute and obey the legal orders of all officers properly placed over you whilst on duty, so help you God.

Whilst in the peaceable performance of the duties devolved upon me and my command under these laws, my encampment was yesterday surrounded by an overwhelming force of armed men, acting under the command of Capt. N. Lyon, Second Infantry, U. S. Army, and called upon by him through a written command accompanying this. To which communication I replied in the following terms, to wit:

CAMP JACKSON, MO., *May 10, 1861.*

Capt. N. LYON, *Commanding U. S. Troops.*

SIR: I never for a moment having conceived the idea that so illegal and unconstitutional a demand as I have just received from you would be made by an officer of the U. S. Army I am wholly unprepared to defend my command from this unwarranted attack, and shall therefore be forced to comply with your demand.

I am, sir, very respectfully, your obedient servant,
D. M. FROST,
Brigadier-General, Commanding Camp Jackson, Missouri Vol. Militia.

My command was in accordance with the above deprived of their arms and surrendered into the hands of Captain Lyon. After which, whilst thus disarmed and surrounded, a fire was opened upon a portion

* Monday, May 6, 1861.

of it by his troops and a number of my men put to death, together with several innocent lookers-on—men, women and children. My command was then marched as prisoners of war in triumph to this place. I am now informed, as I was at the time of the surrender, by the captain that my command may be released upon the officers and men giving their parole "not to take up arms or to serve in a military capacity against the United States during the present civil war."

Against the whole proceeding of Captain Lyon as well as against the terms of release I most earnestly protest, for the following reasons:

That in addition to the obligation of loyalty which rests upon every citizen every man of my command now held as a prisoner has voluntarily taken an oath to sustain the Constitution and laws of the United States.

That when my camp was attacked in this unwarrantable manner and during the previous days of its existence the only flags that floated there were those of the United States with all the stars and its fellow bearing alone the coat of arms of the State of Missouri.

That in addition to all this on the morning before this attack was made I addressed to Captain Lyon a communication, informing him of the proffer of services I had previously made of myself and of all my command, and if necessary the whole power of the State of Missouri, to protect the U. S. property, and assuring him that I had in no respect changed those views or opinions, either of my own volition or through any orders emanating from my constitutional commander.

Under all these circumstances I appeal to you as the chief representative of the United States in this department for justice on behalf of those loyal citizens who are now held as prisoners of war, captured under and marching to their place of confinement with the flag of the Union flying over their heads. I ask that you will not put upon the command the additional indignity of requiring us to give our parole when we have already given our oath in support of the Constitution, but that you will order our restoration to the liberties of which we have been illegally deprived, as well as of the property of the State and individuals, as the larger portion of the equipments have been purchased with the private funds of the individuals of my command, both officers and men.

I trust that such as have been so purchased will at least be restored to the proper owners.

I am, sir, very respectfully, your obedient servant,

D. M. FROST,
Brigadier-General, Missouri Volunteer Militia.

HEADQUARTERS DEPARTMENT OF THE WEST,
Saint Louis, Mo., May 18, 1861.

Lieut. Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington.

SIR: I have the honor to report that on the 14th instant a writ of habeas corpus was served on me requiring me to bring before Judge Treat, judge of the U. S. court, eastern district of Missouri, Capt. Emmett MacDonald, one of the officers captured at Camp Jackson, near this city, May 10, by the U. S. forces, under the command of Capt. N. Lyon, Second Infantry.

Captain MacDonald declined to give his parole, and has, therefore, been retained as a prisoner of war. He was transferred on the 13th instant to the custody of the officer commanding the Illinois troops at Caseyville, Ill., some ten miles from Saint Louis. I transmit herewith a copy of my answer to the writ of habeas corpus.

The case has been postponed until Monday next, when it will come up before the U. S. court at its regular session.

I am, sir, very respectfully, your obedient servant,

WM. S. HARNEY,
Brigadier-General, Commanding.

[Inclosure.]

SAINT LOUIS, *May 15, 1861.*

Hon. Judge TREAT,
Judge of the U. S. Court, Eastern District:

In response to the writ of habeas corpus yesterday served on me commanding me to bring before his honor one Emmett MacDonald, I have to say that Mr. MacDonald, the person described in the writ, is not imprisoned or kept in confinement by me, nor is he under my control or command, nor has he been imprisoned or confined or so under my control or command at or since the issuing of this writ.

In making this return to the writ of habeas corpus issued by you commanding me to produce the body of Emmett MacDonald, and in making my response to the same I avail myself of the opportunity thus presented to express my profound regret of the state of things existing in this community. I declare my wish to sustain the Constitution and laws of the United States and of the State of Missouri. But while making this declaration I find myself in such a position that in deciding upon a particular case I must take to what I am compelled to regard as the higher law, even by so doing my conduct shall have the appearance of coming in conflict with the forms of law.

With respect to the transaction which took place at Camp Jackson near this city on the 10th instant I have to say that it happened prior to my arrival here and before my assumption of the command of this department. While I am not therefore responsible for the proceedings at that camp, and under ordinary circumstances should not feel at liberty to comment upon them officially, I am not disposed in the existing state of things to shrink from the responsibility of acknowledging that my predecessor in command saw in the proclamation of the President of the United States ordering the dispersion of all armed rebels hostile to the United States, as described in the proclamation, a high and imperative duty imposed upon him with respect to the camp in question, the evidences of its treasonable purposes having been to his mind indisputably clear. His action in the premises I recognize therefore as imposing upon me the obligation of assuming the consequences of his proceedings so far as to abstain from pursuing any course which, by implication, might throw a doubt upon the sufficiency of his authority.

Upon looking into the circumstances attending the detention of Emmett MacDonald I find they are such if I had him in charge that I could not give orders that might set him at large, unless some sufficient evidence should be furnished that he was not of the number of those in Camp Jackson who gave to that camp its character by which it came under the class of disaffected men hostile to the Government of

the United States, according to the terms of the proclamation referred to. For this purpose nothing has been required of these persons but a simple pledge or parole of honor.

The whole subject will be referred by me to the Government of the United States, whose instructions to me at this critical time are paramount.

W. S. HARNEY,
Brigadier-General U. S. Army.

Subscribed and sworn to before me this 15th day of May, 1861.
JOSHUA W. BOURNE,
Notary Public.

HEADQUARTERS MISSOURI VOLUNTEERS,
Saint Louis Arsenal, May 26, 1861.

Capt. S. WILLIAMS,
Assistant Adjutant-General, Saint Louis.

SIR: I have the honor to report that the prisoners taken at Camp Jackson and sent to the city upon the steam-boat Isabella after their release were as follows: Officers—brigade staff, 6; Radford's artillery, 4; First Infantry and Jackson's artillery, 33; Second Infantry, 29; battalion infantry, 4; total, 79. Men—590. Aggregate, 669.

I am, sir, very respectfully, your obedient servant,
N. LYON,
Brigadier-General of Volunteers, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, November 23, 1861.

Capt. WILLIAM MCMICHAEL,
Assistant Adjutant-General, Department of the Missouri.

SIR: I inclose herewith a remarkable document presented at our outguards to-day by Captain George of the rebel army. Captain George is permitted to go to Saint Louis as a prisoner on parole to report to the general commanding the department for his decision.

Very respectfully, your obedient servant,
U. S. GRANT,
Brigadier-General, Commanding.

P. S.—Captain George since my writing the above states that he is not nor has he been in the Confederate Army. He was a Camp Jackson prisoner since which he has not taken up arms. He now simply claims the right under the Price-Frémont exchange* to return to his family in Saint Louis and should he desire to do so to join General Price and the Missouri State troops.

U. S. G.

[Inclosure.]

HEADQUARTERS FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., November 20, 1861.

Capt. James George and Lieut. Henry Guibor, late prisoners of war, and duly exchanged by agreement between Major-General Frémont,

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* See papers relating to "Frémont-Price Convention," etc., *post.*

U. S. Army, and Major-General Price, of the Missouri State troops, as appears to me, now therefore I grant said officers (Captain George and Lieutenant Guibor) this safeguard to pass the picket-lines and videttes of this army on their return to Saint Louis and back to this place.

By order of Brigadier-General Pillow, commanding:

GUS. A. HENRY, JR.,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, November 25, 1861.

Capt. WILLIAM MCMICHAEL, *Saint Louis, Mo.:*

Last evening a party of prisoners taken at Camp Jackson arrived here on the steamer Platte Valley. I had them detained on the steamer until this morning, when they were put aboard of one of the ferries and landed at Norfolk, Mo., about five miles below. These prisoners are coming in squads from day to day, and necessarily keep the enemy well informed of all our movements it is possible for the community at large to know as well as the secret plottings of the enemy in our midst. I would again report to the commanding officer of this department the almost certain disloyalty of the entire boating interest plying between Saint Louis and this place. I am informed that the owners of the packets complained of are generally enemies to the Government and their acts prove conclusively that the crews employed are.

U. S. GRANT,
Brigadier-General.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARDS,
Camp New Madrid, November 25, 1861.

Brig. Gen. U. S. GRANT, U. S. Army.

GENERAL: The bearer of this, Maj. James R. Shaler, was and is major of the Second Regiment of the Missouri Volunteer Militia, and was one of the Camp Jackson prisoners and is one of the Southerners included in the treaty between Generals Frémont and Price. We hear that these gentlemen are allowed to visit Saint Louis for the purpose of reporting themselves to be regularly exchanged. If you understand the matter in this way you will please allow Major Shaler to pass to Saint Louis and if not you will please let him return. Major Shaler is now in no way connected with the Missouri State Guard or C. S. Army nor has he been.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, November 26, 1861.

Brig. Gen. U. S. GRANT, *Cairo, Ill.:*

Your letter of the 23d instant with inclosed safeguard to Captain George and Lieutenant Guibor purporting to have been signed by order of General Pillow has been received. I am directed by the com-

manding general of this department to say that you did very wrong in permitting these officers to pass your lines under the authority of such a paper. Any person hereafter attempting to pass with such a document will be immediately arrested and the case reported to these headquarters for instructions.

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, November 26, 1861.

Capt. J. C. KELTON,
Asst. Adjt. Gen., Dept. of the Missouri, Saint Louis, Mo.

SIR: One more of the Camp Jackson exchanged prisoners has arrived here this evening on his way South. I have determined to retain him and all others arriving in small squads until the whole of them are here and discharge them together. I respectfully submit this plan for the approval of the general commanding the department.

Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

OFFICE OF PROVOST-MARSHAL,
Saint Louis, Mo., November 26, 1861.

Capt. WILLIAM MCMICHAEL,
Assistant Adjutant-General.

SIR: I beg leave respectfully to call the attention of the commanding general to the following facts: Several of the prisoners taken at Camp Jackson near this city May 10, 1861, and who have been recently exchanged but who were within the lines of the Confederate Army at the time the exchange was made have returned to this city nominally for the purpose of receiving in person the certificate of exchange, but really I have reason to believe to arrange private business and convey information and assistance to the enemy. Two persons both of whom have been in the Confederate Army were arrested in this city before their certificates of exchange were delivered. I have information that several more are coming.

I have been applied to for the release of those under arrest, but have refused upon the ground that those who were at the time of the exchange already within the lines of the Confederate Army had no right whatever to come to this city. Their presence is not necessary to complete the exchange, and the certificates which are merely the evidence of the exchange can be forwarded by the commissioners who represent the Confederate Army in the negotiations. As it may be some days or weeks before this matter is finally disposed of I would respectfully ask of the commanding general an instruction upon this point.

I am, sir, very respectfully, your obedient servant,

GEO. E. LEIGHTON,
Provost-Marshal.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, November 28, 1861.

Capt. J. C. KELTON,
Asst. Adjt. Gen., Dept. of the Missouri, Saint Louis, Mo.

SIR: Yours of the 26th instant in relation to Captain George's return to Saint Louis is received. Captain George was arrested by the picket to whom he presented himself and as a prisoner was brought before me. Being a commissioned officer I confined him during his few hours' stay here to the hotel on his own word not to leave it and sent him a prisoner to report to the general commanding the department for his decision. Although the terms of the exchange of prisoners entered into between Generals Frémont and Price would authorize the passage of Camp Jackson prisoners to the army to which they might belong I did not interpret it as authority for them to return from the South to visit their friends and then pass our lines again. The matter was simply referred to the general commanding the department and the prisoner, a commissioned officer, sent to Saint Louis on his parole. Lieutenant Guibor whose name appears on the pass with Captain George did not accompany him.

I am, very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, November 29, 1861.

Brig. Gen. U. S. GRANT, *Cairo, Ill.:*

In answer to your communication of November 26 announcing that you are retaining the Camp Jackson prisoners who arrive in small numbers so that they may be sent to the enemy in large bodies the commanding general directs me to say that he approves of your action in this matter.

WM. McMICHAEL,
Assistant Adjutant-General.

SAINT LOUIS, *November 30, 1861.*

Brig. Gen. SAMUEL R. CURTIS, *Saint Louis, Mo.*

GENERAL: With a view to the settlement of the question which I submitted to you as a precedent for the future by the major-general commanding the Western Department I respectfully ask that transportation from Saint Louis to Sedalia and beyond the Federal lines may be furnished to the prisoners of war who were taken at Camp Jackson May 10, 1861, and who have recently been released from parole. The number will be sixty including General D. M. Frost and staff, and by railroad will require one passenger-car and one baggage-car. They will be ready to leave on to-morrow morning.

Respectfully, your obedient servant,

HENRY W. WILLIAMS.
(In behalf of Camp Jackson prisoners.)

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 13, 1861.

Major-General POLK, *Commanding, Columbus, Ky.*

GENERAL: Mr. H. B. Belt, of Saint Louis, is here with the releases for Camp Jackson prisoners at Columbus which I promised you should be procured and forwarded. The department commander at Saint Louis does not construe the agreement between Generals Frémont and Price as making provision for the transportation and delivery of "side-arms and equipments of officers and personal property of privates" to paroled prisoners who had previously gone beyond our lines and into the enemy's service, and therefore will permit nothing to be sent except the releases.

I send Captain Hillyer, my aide-de-camp, accompanied by Mr. Belt under a flag of truce to deliver to you the releases.

Very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, U. S. Army,
By W. S. HILLYER,
Aide-de-Camp.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 14, 1861.

A. GLASSCOCK.

SIR: In answer to your communication of December 10* Major-General Halleck directs me to say that should you attempt to return to the rebel army without being duly exchanged and having a pass to that effect you will if captured be shot for violating your parole of honor. Brigadier-General Curtis, U. S. Army (headquarters Saint Louis), has charge of the exchange of prisoners taken at Camp Jackson but no arrangement has yet been made for a general exchange.

WILLIAM McMICHAEL,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 17, 1861.

Capt. J. C. KELTON, *Saint Louis, Mo.:*

On the strength of a telegraphic dispatch received from Saint Louis that the prisoners arriving here yesterday were impostors I have ordered them back to Saint Louis. Eight of these prisoners did not claim to have been taken at Camp Jackson and had with them regular certificates of exchange. As I am anxious to make as few shipments of these men as possible and as there was nothing in my telegraphic instructions to prevent it I returned these also.

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U. S. GRANT,
Brigadier-General.

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* Not found.

SAINT LOUIS, MO., *December 19, 1861.*

Brig. Gen. U. S. GRANT, *Cairo, Ill.:*

By what authority did you send back exchanged prisoners? They are not under assumed names. All were identified here before exchange.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *December 19, 1861.*

Brig. Gen. U. S. GRANT, *Cairo, Ill.:*

No such man as W. H. Buel, colonel, known at these headquarters. It is most extraordinary that you should have obeyed a telegram sent by an unknown person and not even purporting to have been given by authority. The prisoners will be immediately returned to Cairo.

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 20, 1861.

Maj. Gen. H. W. HALLECK, U. S. Army,
Commanding Department of the Missouri, Saint Louis, Mo.

GENERAL: Your second dispatch saying "It is most extraordinary that you should have obeyed a telegram sent by an unknown person and not even purporting to have been given by authority" is received. In justice to myself I must reply to this telegram. In the first place I never thought of doubting the authority of a telegram received from Saint Louis, supposing that in military matters the telegraph was under such surveillance that no military order could be passed over the wires that was not by authority; second, the signature to the telegram was made with so many flourishes that I could not make it out at all and to send a copy to your headquarters was obliged to send to the office here for a duplicate; third, before this telegram was received Captain Livingston who came in charge of these prisoners reported to me that several who were to come had proven to be impostors and that he had reason to believe that two of those still with him were under assumed names; fourth, directions sufficient to detain prisoners (Camp Jackson exchanged prisoners) might come from the provost-marshal's office, from General Curtis or from headquarters, and I do not know the employés of the former nor the staff of the latter. The fact is I never dreamed of so serious a telegraphic hoax emanating through a large and responsible office like that in Saint Louis. Inclosed I send you copy of the dispatch received.

I am, general, very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

[Inclosure.]

SAINT LOUIS, *December 15, 1861.*

General GRANT:

The D. G. Taylor left here at 1 p. m. to-day. Stop her and send back all the Camp Jackson men. They all have assumed names.

W. H. BUEL,
Colonel.

SAINT LOUIS, *December 20, 1861.*

Brig. Gen. U. S. GRANT,
Cairo, Ill.:

The person who sent the telegram about the prisoners has been discovered and placed in confinement. He has no authority whatever. You will hereafter be more careful about obeying telegrams from private persons countermanding orders from these headquarters.

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 22, 1861.

General L. POLK:

I send you under flag of truce some seventeen of the Camp Jackson prisoners who are released under the Frémont-Price agreement. These prisoners were brought here on Tuesday last, and would have been immediately forwarded to Columbus but that a dispatch was sent to me purporting to be official stating that they were impostors and were not the men they assumed to be. In consequence of this dispatch I arrested the parties here and put them at labor for a few hours and then sent them back to Saint Louis. It turned out, however, that the dispatch was a wicked hoax perpetrated by an individual in Saint Louis who has been arrested and will be properly punished. No one regrets the occurrence more than I do. Colonel Webster has charge of the expedition and will receive any communication you may desire to send me.

U. S. GRANT,
Brigadier-General, Commanding.

SAINT LOUIS, *March 14, 1862.*

Col. J. C. KELTON,
Asst. Adjt. Gen., Hdqrs. Dept. of the Missouri, Saint Louis, Mo.

COLONEL: I have the honor of submitting my report concerning the exchanges of Camp Jackson and Lexington prisoners. Said exchanges were made in pursuance of an agreement between Maj. Gen. John C. Frémont, commanding the U. S. forces in this department, and General Sterling Price, commanding the rebel forces (styled Missouri State Guard), made on the 26th day of October, 1861. Said agreement authorized and ordered the exchange of certain officers and privates therein named and other privates to the number of 530, captured by the U. S. forces under command of General N. Lyon at Camp Jackson, Mo., May 10, 1861, for certain officers and privates therein named and other privates to the number of 530, captured by the rebel force (denominated Missouri State Guard) under the command of General Sterling Price at Lexington, Mo., September 20, 1861.

On the part of the rebels were named as commissioners to effect said exchange Col. S. B. Churchill, Col. D. H. Armstrong, Col. J. R. Barrett, Maj. H. W. Williams and D. R. Barclay, esq., all residents of Saint Louis, appointed by General Sterling Price. On the part of the United States General S. R. Curtis, commandant of this military district, appointed Col. John A. Gurley, commissioner. Colonel Gurley being compelled to repair to Washington to take his seat in Congress Gen-

eral Curtis requested me to act as commissioner and at my request detailed Lieut. L. J. Barnes to render me any assistance I might require.

As the number to be exchanged of the Lexington prisoners was limited to a portion of the whole and all being on parole I decided to exchange only those who signified their intention to re-enlist for service. Much delay and labor ensued in getting the names from the recruiting officers scattered in various portions of the country. Were it not from such delay this report would have been made much earlier. The full number authorized has not yet been reached, but I cannot procure further lists of prisoners re-enlisted and therefore hand in my report.

We have exchanged—

Rebels.			United States.	
General	1	for	Colonels	3
Colonel	1		Lieutenant-colonels	2
Majors	6		Majors	2
Captains	24		Captains	27
Lieutenants	57		Lieutenants	60
Privates	399		Privates	448
Surgeon	1		Surgeon	1
Total	489		Total	543

The above gives the United States an excess in the exchange occasioned by the fact that only 489 officers and privates of the Camp Jackson prisoners were found desirous of joining their fortunes with secession and General Price. Yet I am informed unofficially through good authority that many of the prisoners at Camp Jackson are in the rebel army yet without exchanges, and a majority of those now in the army violated parole before exchanging. With the report you have memorandum marked A,* giving a complete list of exchanges on both sides with rank.

D. R. Barclay, the rebel commissioner, has attended principally to the exchanges and I hereby take occasion to mention the uniform courtesy and liberality toward me he has evinced in transacting the exchanges.

I am, colonel, respectfully, &c.,

CHAS. H. HOWLAND,
Commissioner of Exchanges.

Miscellaneous Captures; Treatment of Political and Military Prisoners, and Tentative Efforts at Exchange.

SAINT LOUIS ARSENAL, *May 16, 1861.*

Capt. S. WILLIAMS,
Asst. Adjt. Gen., Hdqrs. Dept. of the West, Saint Louis, Mo.

SIR: In consequence of the frequent arrivals at this place of persons from Potosi complaining of revolting outrages and being driven from their homes because of their loyalty to the General Government I caused a party to proceed to that place to apprehend offending parties and give consolation and relief to the sufferers. The object seems to have been very judiciously accomplished by Captain Cole, of the Fifth

* Not found.

Missouri Volunteers, whose report is herewith inclosed.* It will be seen that at De Soto a large secession meeting was defeated and their flag taken by the timely arrival of Captain Cole. A list of the prisoners detained and against whom most palpable evidence is understood to exist of persevering and systematic cruelty toward the friends of the Government is herewith inclosed.

Very respectfully, your obedient servant,

N. LYON,
Captain, Second Infantry, Commanding.

[Inclosure.]

List of prisoners taken May 16, 1861.

John Wiatt, Jefferson County; N. B. Buck, S. T. Dunklin, L. W. Casy, Joseph Dunklin, W. A. Mathews, George B. Clark, Patrick Doil, H. S. Cater, and Edward Willoughby, Potosi, Washington County; D. S. Smith, Jefferson County.

[Sub-inclosure.]

Captain COLE,
Commander U. S. Troops at Potosi, Washington County, Mo.:

The undersigned petitioners, residents of the town of Potosi and County of Washington, would respectfully represent that they believe that in their present disorganized condition and without arms their lives and property would be in danger unless you should leave a company of U. S. troops stationed at said town until they can be organized and armed. They would respectfully represent that they are and have been loyal to the United States Government and acknowledge their allegiance to the same and are willing to submit to her laws and regulations. They state they will use all necessary efforts to organize and arm in conformity to the laws of the United States and the usages of her army at the earliest possible period.

[Signed by fifty citizens.]

SPRINGFIELD, MO., *July 11, 1861.*

Col. F. SIGEL.

SIR: In accordance with your order I most respectfully make hereby a statement of facts concerning the surrender of myself and men at Neosho July 5, 1861:

After you had left Neosho on the 4th day of July I observed that the city was very unquiet. I took all necessary precautions by placing extra sentinels and sending out patrols every half hour day and night. The Fourth passed off quietly.

On the 5th day of July the same precaution was taken. About 11 o'clock I heard the cannonading, whereon I immediately dispatched a patrol of twenty men under the command of Lieutenant Damde to inquire if possible the cause of it. At 1 o'clock I received orders signed by Brigade Quartermaster Richardson to retreat with my command if necessary. Lieutenant Damde with his patrol returned about the same time. They had scarcely returned—in fact had not been in camp more than ten minutes—before the enemy came pouring in in all

* See Series I, Vol. III, p. 10, for Cole's report.

directions to the number of about 1,200 to 1,500 men under the command of Colonel Churchill and Major McIntosh (Arkansas Rangers). Finding it impossible for me to hold my post with success, after due deliberation—after due consultation with my officers and men—I concluded it would be best to make the surrender as it was required—namely unconditionally. We were after the surrender of our arms placed in the court-house where we remained until Monday, the 8th.

I must mention here that the officers of the Arkansas Rangers as well as of the Missouri troops behaved themselves quietly, accommodatingly and friendly both towards myself and men; but their privates on the contrary in a most insulting and brutal manner.

On the 8th we were released, we officers having before given our parole of honor not to serve any more against the Confederate States of America during the war, my men having before sworn to the same effect. We left Neosho on the evening of the 8th, at 5.30 o'clock, with an escort of about thirty men under the command of Captain Boone for our security and protection, the people of Neosho and farmers of that vicinity having threatened to kill us in the streets. Captain Boone escorted us about four miles from the camp. After innumerable hardships and dangers, without food and water our canteens having all been stolen from us by the Southern troops we at last reached Springfield, my men all broken down having traveled the distance of eighty-five miles in fifty hours with hardly any food at all.

Having made this statement I respectfully place the same in your hands to judge my actions.

Very respectfully, yours,

JOSEPH CONRAD,
Captain of Rifle Company B, Third Regt. Missouri [Union] Vols.

SAINT LOUIS ARSENAL, *July 30, 1861.*

Capt. J. C. KELTON, *Assistant Adjutant-General.*

SIR: I would respectfully call the attention of the general commanding the department to the condition of the political prisoners confined here. Officers in command at distant points have been in the habit of arresting persons upon charges of treason and sending them to the arsenal. In all such cases I have called the attention of the U. S. district attorney to the matter but am not aware that any have been indicted. There is no suitable place at the arsenal for prisoners of war; they have to be confined in the prison or else allowed the liberty of the grounds. To confine them is inhuman and to let them mix with the men is likely to produce trouble.

* * * * * * *

I am, sir, very respectfully, your obedient servant,

CHESTER HARDING, JR.,
Assistant Adjutant-General of Missouri Volunteers.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, Mo., August 7, 1861.

Col. J. B. WYMAN, *Commanding at Rolla, Mo.*

SIR: The general directs me to say he will hold as prisoners those men taken by you bearing arms against the United States; others

the charges against whom are not more serious than entertaining secession feelings he has discharged. The arms and prisoners taken, if the men were apprehended while constituting an armed body, will be detained; all others will be restored to their rightful owners.

* * * * * * *

I am, sir, very respectfully, your obedient servant,

[J. C. KELTON,]
Assistant Adjutant-General.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, Mo., August 7, 1861.

Col. J. B. WYMAN, *Commanding at Rolla, Mo.*

SIR: The prisoners you sent to the arsenal a few days since have been discharged. The offenses against the majority were of too trivial a character to detain them longer.

You are directed to send no more prisoners here unless prisoners of war. It is thought an unnecessary expense in transporting them to the arsenal is contracted and that no good object is effected by their detention. If entertaining secession feelings constitutes a grave offense, one sufficient to imprison a man on, the Government would have two-thirds of the State to feed at its expense.

I am, sir, very respectfully, your obedient servant,

[J. C. KELTON,]
Assistant Adjutant-General.

HEADQUARTERS U. S. FORCES,
Cape Girardeau, August 18, 1861.

Maj. Gen. JOHN C. FRÉMONT,
Department of the West, Saint Louis, Mo.

SIR: * * * I have the honor to inclose you a letter from ex-Lieutenant-Governor Reynolds (a copy of which has been sent me); also another from Jeff. Thompson to me containing several threats.

I plead guilty to the charge of having written the note mentioned and would have done as I promised had Captain Price committed the threatened outrages on the peaceable citizens of Commerce. My threats had the desired effect and prevented his doing any act of violence there. I tried hard to get hold of Captain Price and his troop of marauders but they always run even when but half their number of foot soldiers are opposed to them. The young man Price and his brother-in-law who were taken prisoners have been notoriously active in aiding the enemy. Their father, the brother of Captain Price, was the agent for procuring supplies for the New Madrid forces and his mules, servants and family were all engaged in transporting them.

I am happy to learn that the pretended governor of the State disapproves of the proclamation of his commanding general and I shall most certainly endeavor to aid him in carrying on the war according to civilized usage. I can furnish the ex-governor with information which if he means what he writes will keep him steadily engaged for some time in punishing Missouri forces.

* * * * * * *

Very respectfully, your obedient servant,

C. C. MARSH,
Colonel, Commanding Post.

[Inclosure No. 1.]

NEW MADRID, MO., *August 15, 1861.*

Major-General FREMONT, U. S. Army,

Commanding U. S. Forces in Missouri.

SIR: Capt. Charles Price, of the Missouri State Guard, has received a letter from Messrs. B. S. Curd and William M. Price dated Cape Girardeau, August 10, 1861, in which they write: "The colonel says that if you attack Commerce to-night he will hang us." With this note is another recognized to be in the handwriting of Col. C. C. Marsh and of which the following is an exact copy:

HEADQUARTERS U. S. FORCES,
Cape Girardeau, August 10, 1861.

SIR: Your relatives have written you the above note. It is true. If you injure the people of Commerce or their property I will hang them and take a bitter revenge on you in other respects.

C. C. MARSH,
Colonel, Commanding U. S. Forces, Cape Girardeau.

The gentlemen held by Colonel Marsh are as I am credibly informed citizens of this State and unconnected in any way with military operations. Even were they so connected in a manner justifying their being made prisoners of war the Articles of War and Army Regulations of the United States require humane treatment of prisoners.

I also learn that the detachment of Colonel Marsh's troops which captured Mr. William M. Price wantonly burned his father's warehouse and took away a large quantity of corn and sixty mules. Similar outrages are believed to have been very lately committed at the farm of General N. W. Watkins near Cape Girardeau, and also by Colonel Marsh's troops. I therefore in the interest of humanity lay these matters before you and request a frank answer to these inquiries:

Does this conduct of Colonel Marsh and his troops meet your approval? If not what steps do you propose to take in respect to the guilty parties and in order to prevent the repetition of such conduct?

It is the desire of the Missouri State authorities to conduct the present war according to civilized usages and any departure from them by Missouri forces will be properly punished by their officers if aware of it. I deem it proper to add that on seeing Colonel Marsh's letter I immediately instructed the general commanding the Missouri State Guard in this district to hold in close custody a number of prisoners recently taken by him and belonging to your forces. Should Colonel Marsh's future treatment of Messrs. Curd and Price necessitate the hanging of any of those prisoners in retaliation I am content that impartial men shall judge who is morally responsible for their melancholy fate.

I am, sir, very respectfully, your obedient servant,

THOS. C. REYNOLDS,
Acting Governor of Missouri.

[Inclosure No. 2.]

HDQRS. FIRST MILITARY DIV., MISSOURI STATE GUARD,
Camp Sikeston, August 17, 1861.

Col. C. C. MARSH,

Commanding U. S. Forces, Cape Girardeau, Mo.

SIR: I send Edmund Burke, a citizen of Scott County, as bearer of letters from Governor T. C. Reynolds to General Frémont and yourself.

Governor Reynolds has sent me a copy of these letters and I will take it upon myself to remark in addition to the letters of Governor Reynolds that whenever such threats are used as that which is believed to have been uttered by you in the letter referred to or that whenever any such threats are carried into execution I will retaliate to the utmost of my ability.

Yours, &c.,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HEADQUARTERS ARMY OF THE WEST,
Rolla, Mo., August 18, 1861.

ADJUTANT-GENERAL,
Headquarters Department of the West, Saint Louis, Mo.

SIR: Mr. Emmett MacDonald, a messenger from the rebel army, is now here with a view to making an arrangement for the exchange of prisoners. They have many more of our men than we have of theirs and propose a mutual liberation which I will agree to unless orders are received from the commanding general to the contrary.

Mr. MacDonald is anxious to visit Saint Louis for a day. To this request I have not acceded but will thank you to lay the matter before the commanding general that he may consider it and authorize him or not as he may deem best to visit Saint Louis.

I have the honor to be, your obedient servant,

S. D. STURGIS,
Major First Cavalry, Commanding.

OFFICE PROVOST-MARSHAL,
Saint Louis, Mo., August 21, 1861.

Lieut. Col. S. BURBANK, U. S. Army,
Commanding Arsenal.

COLONEL: The major-general commanding directs that Mr. Brownlee, now a prisoner in charge of your guard, be released from confinement and allowed to leave the arsenal on the following conditions:

First. That he resign his commission as president of the board of police commissioners.

Second. That he sign a pledge to leave the city to remain in some of the free States and not return here without the consent of the military authorities of the Government.

The foregoing conditions must be complied with and the necessary papers put into your possession for transmittal to this office before Mr. Brownlee is released.

I am, colonel, very respectfully, your obedient servant,

J. McKINSTRY,
Major, U. S. Army, Provost-Marshal.

HEADQUARTERS KANSAS BRIGADE,
Kansas City, Mo., September 1, 1861.

Major-General PRICE, *Commanding Missouri State Guard.*

SIR: I am instructed by General James H. Lane, commanding Kansas Brigade, to say that he is willing to exchange Henry N. Rosser and Michael McCarty, prisoners in his hands, for any two commissioned

officers of his brigade now in your hands. You can send them to this city and on their arrival I will immediately discharge and send under proper safeguards the two prisoners above named.

I send this message by Lieut. Thomas W. Scudder, of my command, whom I will expect to have treated as a gentleman and soldier.

Respectfully, &c.,

THOS. J. ANDERSON,
Acting Assistant Adjutant-General.

CAMP CAVENDER, *Saint Louis, September 7, 1861.*

Capt. J. C. KELTON, U. S. Army, *A. A. G., Western Department.*

CAPTAIN: I have the honor to ask what disposition is to be made of our men who were taken prisoners at Springfield and released on parole? I have been informed though not officially that an exchange has been made which absolves them from their parole. Please inform me if this is so.

I am, captain, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major First Missouri Volunteers.

[Indorsement.]

SAINT LOUIS, MO., *September 7, 1861.*

The exchange referred to within was accomplished by Mr. MacDonald on the part of the rebel forces and myself on the part of the Government verbally. I declined to enter into negotiations of any other kind. The exchange was to be equal and without the imposing of any restraint upon the prisoners of either side, and I have no doubt but when the rebel forces learn of their prisoners having been released without parole they will consider ours as absolved also.

S. D. STURGIS,
Brigadier-General, U. S. Volunteers.

U. S. MARSHAL'S OFFICE,
Springfield, Ill., September 8, 1861.

Maj. Gen. J. C. FRÉMONT, *Saint Louis, Mo.*

GENERAL: The undersigned desires your order to arrest and deliver to you in the city of Saint Louis Hon. James C. Robinson, member of Congress from the Seventh Congressional district in Illinois.

Robinson is notoriously opposed to the war, the administration and all who are connected with it and busily engaged in making the most treasonable speeches that can be made. He is not without influence and sympathizers and if permitted to remain at large he will cause much trouble. He is suspected of holding communication with the rebels and boasts of his sympathy for the cause of treason. If you will issue an order directed to me at this city I will deliver him into your hands in a few days.

Yours, respectfully,

D. L. PHILLIPS,
U. S. Marshal.

We indorse this.

RICHARD YATES,
Governor.

WM. BUTLER,
State Treasurer.

SAINT LOUIS, *September 9, 1861.*

Maj. J. M. SCHOFIELD, *First Missouri Volunteers.*

SIR: Your letter of the 7th instant relative to the status of soldiers who were taken prisoners and released on parole has had the attention of the major-general commanding. He has decided under the circumstances of facts indorsed on your letter by Brigadier-General Sturgis that the men are to be considered released from their parole, and directs that you furnish each of them with a certificate representing their release from parole oath for the reasons set forth by General Sturgis; then order them to duty.

Very respectfully, your obedient servant,

J. H. EATON,
Major, U. S. Army, and Military Secretary.

HEADQUARTERS BRIGADE,
Camp Cairo, September 17, 1861.

General U. S. GRANT,
Commanding District of Southeast Missouri.

SIR: Having just closed the investigation of the cases of the steamers John Gault and Jefferson seized by the gun-boat Conestoga, under command of Commodore Rodgers, and the prisoners taken on said boats I have the honor to report that I have released all the prisoners taken on the above-named steamers (twenty-five white persons) upon their parole of honor, and seven colored persons who were cooks and cabin servants on the steamer John Gault. I could find no evidence whatever which would warrant me in detaining them as prisoners. I have also examined into the cause assigned for the seizure of the steamer John Gault and can see no reason why she should be longer detained. The evidence shows that the boat was engaged in legitimate business; that all her papers were properly certified by the surveyors of the ports of Louisville, Ky., and Evansville, Ind., and covered an authority to her to transport such articles as she had been carrying. I might further add that the evidence shows that the boat has not been beyond the Kentucky line since the vote upon the question of secession was taken in the State of Tennessee. I would therefore recommend a release of the steamer John Gault and that she be chartered for Government use.

As far as relates to the steamer Jefferson the captain and clerk were not on board at the time she was seized. I will make the case of the Jefferson and her cargo the subject of a future report.

Yours, &c.,

JOHN A. McCLERNAND,
Brigadier-General, Commanding.

BROOKFIELD, *September 22. 1861.*

Maj. Gen. JOHN C. FRÉMONT:

I have just arrived here from Quincy and have 100 of our men that were in the battle at Lexington; 2,000 more are at Hamilton, fifty miles west of this. Colonel Mulligan surrendered 4 p. m. Friday. Water cut off. The entire command after surrendering were disarmed; non-commissioned officers and privates sworn and released; commissioned officers are held as prisoners. Federal loss 39 killed and 120

wounded; rebel 1,400 killed and wounded. I send provisions forward to our gallant soldiers who have not been fed for two days. They were not re-enforced.

B. M. PRENTISS,
Brigadier-General.

HEADQUARTERS WESTERN DEPARTMENT,
September 23, 1861.

Hon. S. CAMERON, *Secretary of War:*

Nothing since my dispatch of this morning. Our loss 39 killed, 120 wounded; loss of enemy 1,400 killed and wounded. Our non-commissioned officers and privates sworn and released; commissioned officers held as prisoners. Our troops are gathering around the enemy. I will send you from the field more details in a few days.

JNO. C. FRÉMONT,
Major-General, Commanding.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, September 23, 1861.

Brig. Gen. B. M. PRENTISS, *Quincy, Ill.*

GENERAL: Your dispatch received. The surgeons of my staff and the sanitary commission are directed to communicate with you in regard to the wounded. Keep me fully informed of facts in relation to them so that their wants may be provided for as promptly as possible.

J. C. FRÉMONT,
Major-General.

SAINT LOUIS, *September 24, 1861.*

General PRICE,
Commanding Missouri State Guard, Lexington, Mo.

GENERAL: I am instructed by Major-General Frémont to say in reply to your proposal for the exchange of Col. Thomas A. Marshall, First Regiment Illinois Cavalry, for Mr. Prince L. Hudgins that it is accepted and the latter will be released and delivered over to his son, the bearer of your letter. Please on receipt of this give to Colonel Marshall facilities for reaching the nearest station of our troops.

Respectfully, sir, your obedient servant,

J. H. EATON,
Colonel and Military Secretary.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, September 24, 1861.

Capt. G. GRANGER, U. S. Army,
Commanding Officer, Saint Louis Arsenal.

SIR: Deliver to the bearer to be placed in his custody Mr. Prince L. Hudgins, detained as a prisoner in the arsenal. He is released by order of Major-General Frémont, having been exchanged on an arrangement with General Price for Col. Thomas A. Marshall, First Regiment Illinois Cavalry.

Very respectfully, your obedient servant,

J. H. EATON,
Colonel and Military Secretary.

HEADQUARTERS MISSOURI STATE GUARD,
Lexington, Mo., September 24, 1861.

General JAMES H. LANE, U. S. Army.

SIR: I am instructed by Maj. Gen. S. Price, commanding Missouri State forces, to say that he is willing to exchange two of the U. S. officers now prisoners of war for Henry N. Rosser and Michael McCarty, prisoners in your hands.

I am, sir, very respectfully, your obedient servant,

HENRY LITTLE,
Adjutant-General

HEADQUARTERS THIRD DIVISION,
Sedalia, September 29, 1861.

Major-General FRÉMONT,
Commanding Army of the West.

GENERAL: The bearer of these lines, Major Tyler, who was captured at Lexington and released since on parole, is a graduate of the Military Academy of Virginia. He wishes to be exchanged as soon as possible if such measure will be taken, and I take the liberty of recommending him to your favorable consideration.

I am, general, your most obedient servant,

F. SIGEL,
Brigadier-General.

HEADQUARTERS WESTERN DEPARTMENT, U. S. ARMY,
Camp Lillie, Jefferson City, September 30, 1861.

Maj. Gen. STERLING PRICE,
Commanding Missouri State Guard.

SIR: An order has been received at these headquarters signed by Brigadier-General Harris, Missouri State Guard, exchanging Lieut. Edwin Moore, First Regiment Missouri Volunteers, for Captain Blackford, Missouri State Guard. I am directed by Major-General Frémont to inform you that as the proposal is not grade for grade he declines to approve this exchange.

Very respectfully, your obedient servant,

J. H. EATON,
Colonel and Acting Assistant Adjutant-General.

[JEFFERSON CITY], *September 30, 1861.*

Maj. Gen. STERLING PRICE,
Commanding Missouri State Guard.

SIR: I am directed by Major-General Frémont to propose to you the exchange of Lieut. Col. John Knapp, prisoner of war now at Saint Louis, for Lieutenant-Colonel Thacher, U. S. Volunteers. If this meets with your approval please notify me at once.

Very respectfully, your obedient servant,

J. H. EATON,
Colonel and Acting Assistant Adjutant-General.

HEADQUARTERS,
Kansas City, September 30, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Western Department, Saint Louis, Mo.

SIR: I would respectfully ask some information in regard to the disposition to be made of prisoners released by the rebel forces. I am aware that the subject is one which has occupied the attention of the Government but am not aware that any conclusion has been arrived at in regard to their disposition. At the present time I find myself somewhat embarrassed by the great number of prisoners returning from Lexington, Mo., and especially so in regard to the officers. Two or rather one application has been made to me by General Price and one to General Lane on the subject of the exchange of officers. In the case of the proposed exchange with General Lane I have referred the matter to him, but in regard to the proposed exchange for an officer of the rebel forces who is now here I have postponed any action until I will have received some information on the subject from higher authority.

I am, sir, respectfully, your obedient servant,

S. D. STURGIS,
Brigadier-General, Commanding.

CHILLICOTHE, MO., *October 1, 1861.*

Capt. CHAUNCEY MCKEEVER,
Assistant Adjutant-General, Saint Louis, Mo.

SIR: Your polite communication of September 25 is just received. Your instructions in regard to military prisoners have been anticipated and acted upon. Those sent by me from Hannibal were sent in accordance with an order from the major-general commanding through his military secretary, Major Eaton. In regard to communications addressed to headquarters I have to say that the one returned by you was written under my direction and signed in my own name as commanding officer of the regiment. The signature of the adjutant was unknown to me and altogether gratuitous, neither adding to nor detracting from the import of the communication. I return the papers and letter addressed to Governor Robinson as you direct and respectfully ask your early attention to the business to which they pertain.

Very respectfully,

O. E. LEARNARD,
Lieutenant-Colonel, Comdg. First Regiment Kansas Volunteers.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, October 4, 1861.

Brig. Gen. S. R. CURTIS,
Commanding, &c., Benton Barracks.

SIR: In obedience to General Orders, No. 69, War Department, Adjutant-General's Office, dated Washington, August 28, 1861, the major-general commanding directs that you discharge from the service forthwith all enlisted men in the volunteer service under your command who have been taken prisoners by the enemy and released on parole.

I am, sir, very respectfully, your obedient servant,

CHAUNCEY MCKEEVER,
Assistant Adjutant-General.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, October 10, 1861.

Brig. Gen. S. D. STURGIS,
Commanding, &c., Kansas City.

SIR: In reply to yours of the 30th ultimo I have to state that you will at once order an officer to muster out of the service all enlisted men (volunteers) who have been taken prisoners by the rebels and released on parole. You will also exchange as many officers as possible.

I am, sir, very respectfully, your obedient servant,
CHAUNCEY McKEEVER,
Assistant Adjutant-General.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, October 11, 1861.

Capt. W. E. PRINCE,
First Infantry, Commanding Fort Leavenworth.

SIR: The commanding general directs that you send an officer of your command to Saint Joseph to muster out of the service all the enlisted men that have been taken prisoners by the enemy and released on parole. You will direct the officer to make public in a Saint Joseph newspaper the date and place of mustering out.

I am, sir, very respectfully, your obedient servant,
CHAUNCEY McKEEVER,
Assistant Adjutant-General.

SAINT LOUIS, *October 16, 1861.*

Hon. S. CAMERON.

SIR: There are from 50 to 100 dangerous secessionists in this city. In the event of Federal reverses I think it best to seize and hold them as prisoners. We have no fit place to detain them and it were better that they were out of the State. I would respectfully suggest the occupation of the fort at Mackinac for that purpose. Please advise me by telegraph what are your directions.

JNO. McNEIL,
Colonel Nineteenth Missouri, Assistant Provost-Marshal.

HEADQUARTERS MISSOURI STATE GUARD,
Camp near Greenfield, October 16, 1861.

[General J. H. LANE.]

GENERAL: When at Drywood I captured a number of prisoners belonging to the State of Kansas. I released them all. At Lexington I released a large number, the officers upon parole. Having so done I confidently relied upon your pursuing the same course with regard to citizens of the State of Missouri. You have as prisoners Messrs. Rosser and Harris; also a soldier captured at Drywood. Young Rosser has never been in the ranks of the army in any way. I will give an unconditional release for any Kansas officers you may designate for these or for any others you may have in your command.

I am, general, respectfully,
S. PRICE,
Major-General, Commanding.

HEADQUARTERS POST,
Rolla, Mo., October 19, 1861.

Capt. C. MCKEEVER,
Assistant Adjutant-General, Saint Louis, Mo.

CAPTAIN: I have seventy-four prisoners taken at the battle of Henrytown and Linn Creek, all taken in arms. I shall send the commissioned officers forward. What shall I do with the other prisoners? Can I put them to work on the fortifications?

I am, very respectfully, your obedient servant,

G. M. DODGE,
Colonel, Commanding Post.

HEADQUARTERS,
Fort Scott, October 19, 1861.

Brig. Gen. JAMES H. LANE,
Commanding Kansas Brigade.

SIR: General Price has made a proposition to exchange prisoners. If it is within the rules of the Government we have some here that might be exchanged to advantage. On Thursday, the 17th instant, the secesh army under Rains, Price and Hunter were seven miles beyond Greenfield on the Springfield road. Humboldt was burned last Monday evening by 331 secesh troops under Talbert, Irwin and Livingstone. I received the news on Tuesday morning and made a movement to cut them off but they were twenty-four hours ahead and crossed on south side of Neosho River in direction of Sherwood. There is a nest in the neighborhood of Preston, Lamar, Sherwood and Carthage that needs attending to. I have scouts in there to ascertain their whereabouts. They will return to-morrow or next day. If there are any chances of [success] I intend to move against them. If you can spare them I hope you will send us sufficient re-enforcements to make us successful in the attack. If possible we would like to see you here.

Respectfully, your obedient servant,

WM. R. JUDSON,
Colonel, Commanding Sixth Regiment Kansas Volunteers.

HEADQUARTERS COMMAND,
Saint Joseph, October 21, 1861.

Brig. Gen. B. M. PRENTISS, *Jefferson City, Mo.*

SIR: Captain Thomas, of the Thirteenth Missouri Regiment, Colonel Peabody, will hand you this. He is now a prisoner on parole of honor. We hold one Captain Blatchford of the rebel army prisoner at this station. I would recommend the exchange of Captain Thomas for Captain Blatchford if it can consistently be effected.

Your obedient servant,

R. F. SMITH,
Colonel, Commanding Post.

HEADQUARTERS COMMAND,
Saint Joseph, October 22, 1861.

Brigadier-General PRENTISS.

SIR: The bearer of this, Captain Thomas, of Colonel Peabody's (Thirteenth Missouri) regiment, has captured and brought prisoner to

this station Lieut. H. Robinson of the rebel army who is now on his parole of honor to appear at Saint Joe on —— day of November, 1861. I am exceedingly desirous that an exchange be made of this lieutenant for Lieutenant Moore of our regiment who is now a prisoner of the rebels and on parole of honor. If you can consistently effect the exchange you will much oblige,

Your obedient servant,

R. F. SMITH,
Colonel, Commanding Post.

SPECIAL ORDERS, No. 306. } HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, Mo., October 28, 1861.

* * * * * * *

VI. In pursuance of paragraph II of General Orders, No. 69, of August 28, 1861, from the War Department, the enlisted men of the Thirty-third Illinois Volunteers taken prisoners at the Big River bridge and released on parole are hereby discharged from the service of the United States to take effect November 1, 1861.

By order of Major-General Frémont:

CHAUNCEY McKEEVER,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 141. } HEADQUARTERS CAMP FRÉMONT,
Cape Girardeau, November 21, 1861.

Capt. Thomas A. Boyd, Company H of the Seventeenth Illinois Volunteers, is ordered to receive into his custody the persons of Capt. William C. Portal, and Thomas H. White and John M. Lyle, clerks of the steamer Platte Valley, and to deliver the said individuals into the custody of the authorities of the U. S. arsenal at Saint Louis, Mo. These parties are sent forward by the order of Brig. Gen. U. S. Grant, commanding District of Southeast Missouri, with general charges to await trial. Captain Boyd will report to Capt. M. M. Warner, provost-marshal, for the reception of said parties and all necessary instructions in regard thereto.

By order of E. P. Wood, lieutenant-colonel Seventeenth Illinois Volunteers:

GEO. P. EDGAR,
Captain and Assistant Adjutant-General.

HEADQUARTERS POST,
Rolla, Mo., November 23, 1861.

Capt. WILLIAM McMICHAEL,
Assistant Adjutant-General.

CAPTAIN: I respectfully request instruction on the following points: I have 150 prisoners at work on the fortifications at this post; they are nearly destitute of clothing, have no blankets and are suffering. Can I issue blankets or clothing to them? There were turned over to me when I took command of this post about forty slaves who were taken from men in the rebel army. What shall I do with them?

I am, very respectfully, your obedient servant,

G. M. DODGE,
Colonel, Commanding Post.

GENERAL ORDERS, No. 8. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, Mo., November 26, 1861.*

* * * * * * *

IV. In all cases where prisoners taken at other posts or in the field are sent to Saint Louis they will be accompanied with a written statement of the charges against them and the evidence upon which the arrest was based. Otherwise prisoners so sent will be released on their arrival here.

V. No person will be hereafter arrested without good and substantial reasons and officers making arrests without sufficient cause or without authority will be held to account and punished. And officers sending prisoners to Saint Louis without charges, proofs or proper explanations will be charged with the expenses of their transportation.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
Camp New Madrid, November 26, 1861.

Major-General HALLECK, U. S. Army,
Saint Louis, Mo.

SIR: I see by the newspapers that Captain Portal and other officers of the steam-boat Platte Valley were arrested upon their arrival in Cape Girardeau after my having captured that boat. Whatever offenses Captain Portal and officers may have been guilty of before or after said capture I do not know and it was not my business to inquire but as to his having connived at or his having the most remote idea of or complicity in the capture of the boat or the slightest knowledge of my presence at Prior's Landing prior to his landing there you may rest assured on my honor as a soldier that he is innocent, as are all his crew.

I make this statement as a simple act of justice; and if I was lenient toward the prisoners and forbearing in instructions it was not from any arrangement with Captain Portal or his crew. Lieutenant-Colonel Chappell, one of my aides, the bearer of this, can give you a statement of the facts.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

SAINT LOUIS, *November 27, 1861.*

Major-General HALLECK.

SIR: Much interest is felt for the release of Judge James H. Birch, a member of the State convention and staunch active Union man who has been captured and taken to Price's army. It is proposed to offer for exchange Maj. Uriel Wright who is a secession member of the same body and now as I understand out of prison on parole. He was arrested by the provost-marshal. If the exchange can be arranged it will be useful. I leave the matter to your best judgment.

Your obedient,

H. R. GAMBLE.

WEDNESDAY MORNING, *November 27, 1861.*

Major-General HALLECK.

SIR: I recommend Col. James H. Birch, jr., and Capt. Thomas B. Biggers as gentlemen suitable to bear a flag of truce to General Price to effect an exchange of Hon. James H. Birch.

Very respectfully,

H. R. GAMBLE.

SPECIAL ORDERS, No. 15. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, November 28, 1861.*

* * * * * * *

III. It having been represented to me that persons pretending to act under the authority of Brigadier-General Price, now in arms against the Government of the United States, have seized and taken to General Price's camp as a prisoner of war Judge James H. Birch of this State, I now therefore appoint James H. Birch, jr., and Thomas B. Biggers commissioners to confer with General Price or any person or persons appointed by him to negotiate for the release of the said Judge James H. Birch if so held a prisoner by order or authority of General Price, and they are authorized to offer in exchange Maj. Uriel Wright now held by us as a prisoner on parole.

If it should become necessary for these commissioners to proceed from one of our posts to any hostile camp in the performance of this duty they will be accompanied by an officer bearing a flag of truce. The officer bearing such flag of truce will proceed according to custom and the laws of war applicable to such cases.

* * * * * * *

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS SECOND DIVISION,
Syracuse, December 2, 1861.

Major-General HALLECK:

Doctor Moore, a prominent citizen of this section, desires to go to Price's camp north of Osceola with letters from Governor Gamble, having in view negotiations for disbanding Price's forces and their return to allegiance to Government. Shall Doctor Moore be passed through our lines for this purpose? The letter of Governor Gamble states the conditions of immunity for past offenses as defined to him by the President. Price is in a desperate condition and no doubt many of his command if not the larger part of it would avail themselves of such a chance to lay down their arms. Doctor Moore awaits your decision.

[JOHN POPE,]
Brigadier-General, U. S. Volunteers.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
New Madrid, December 2, 1861.

Col. J. B. PLUMMER, U. S. Army, *Cape Girardeau, Mo.*

SIR: Yours of the 26th by Private Lewis T. Wadkins is received. You will find inclosed a letter directed to Major-General Halleck upon the subject of an exchange of prisoners and which would have been forwarded sooner but for the want of a proper messenger.

Pending his decision or determination in regard to the matter I cheerfully release Capt. T. J. Larison and Lieut. J. B. Tenney, of the Second Illinois Cavalry, in exchange for McKollard and Frazier and at the same time beg leave to compliment Lieutenant Tenney on his manly and gentlemanly deportment at the time of the capture. I am perfectly satisfied with the exchange for Judge Conrad although I do not know either of the parties exchanged for him.

I make the case of McMillan and Merkle, the spies captured on the Platte Valley, the subject of another letter.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Inclosure.]

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
*New Madrid, December 2, 1861.**

Major-General HALLECK, U. S. Army, *Saint Louis, Mo.*

SIR: On the 14th day of October at the Big River bridge and Blackwell's Station on the Iron Mountain Railroad I captured a captain, three lieutenants and fifty odd privates belonging to the Thirty-third Illinois Regiment. On the 19th day of this month on the steam-boat Platte Valley I captured a captain, a lieutenant and nine privates of the Illinois troops. These were all released upon their parole and a promise not to serve against us until regularly exchanged.

The troops under your command have some few of my officers and men who were captured at Fredericktown and I understand some others that were absent on furlough have also been taken. Still I am satisfied you have not so many of mine as those of yours paroled by me; but as it is hardly fair you should have to feed both lots I should be pleased to release all of those we have captured from their parole if you would please send home those you have belonging to my division of the Missouri State Guard (First Division).

Captain Elliott, of the Thirty-third Illinois, can inform you of those taken on the Iron Mountain Railroad, and Captain Larison, of the Second Illinois Cavalry, can inform you of those taken on the Platte Valley.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

OFFICE OF PROVOST-MARSHAL,
Saint Louis, Mo., December 4, 1861.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri.

GENERAL: In compliance with your (verbal) order to prepare a statement relating to the departments under my charge as provost-marshal, the force employed, how, where, its expense, &c., I beg leave to submit the following:

At the principal office which is under my own especial charge in which is transacted all general business there are employed three clerks at a monthly salary of $110, $75 and $50 respectively. By giving my

* It does not appear that General Halleck ever answered this letter; but see Halleck to Carlin, January 29, 1862, *post*.

own personal attention as far as possible to every matter pertaining to the duties of the office I have been enabled considerably to reduce the force from that originally employed; it cannot, however, be further reduced, the duties of each being very onerous and requiring uninterrupted attention.

The police department is under the general control of an experienced officer. * * * Reports are submitted and instructions given every morning at my office and during the day upon any matter of importance. In relation to this department it is proper to add that the force employed is not used in this county alone. Detectives have been furnished from the force for all points of the State on proper representation to me of their necessity. They have been invaluable in disaffected districts in discovering facts which it has been impossible to obtain by the ordinary means.

I will state that for some weeks past it has been my intention to organize this department almost entirely from enlisted men and arrangements are now in progress for that purpose. It is believed that with but little effort men can be found in the different regiments who under an experienced chief will answer every purpose, and thus while not impairing the efficiency naturally reduce the expense of this branch of the service. Included in the number stated above are three detectives who are used in special cases under my own immediate instructions and are not known to the chief of the department.

* * * * * * *

The military prison is in charge of one keeper at $100, one assistant keeper at $30 per month. The number of prisoners that can be accommodated will not exceed ninety, although there has been as many as 140 confined at one time. Upon an average it will be found that about one-half of them confined at any given time are soldiers confined temporarily for violation of police regulations and who are always returned to their several commands at the earliest opportunity; the remainder are those arrested (here and in other parts of the State) for giving aid and comfort to the enemies of or bearing arms against the Government.

I beg leave respectfully to submit that the present prison is entirely inadequate to security and personal comfort of so many prisoners as are usually confined therein. If some place could be secured at Jefferson Barracks or at the arsenal for those whom it is designed to hold during the war or for a considerable period leaving the present prison for police purposes and prisoners from other causes temporarily confined it would in my opinion be of advantage to the service.

* * * * * * *

I may be permitted to say that on my appointment to the position I hold I found the department greatly disorganized and that from the date of the proclamation of martial law there had been exercised a very general jurisdiction over civil as well as military matters. Perhaps at first it was in a measure necessary, but if so the necessity exists no longer; and it has been my aim by thorough organization to increase its efficiency though operating with a less force and disentangle it from all connection with civil matters except in cases of absolute necessity and where it is believed the interests of the Government imperatively require it.

The police department of the city is under the control of men of unquestioned loyalty, and a thorough understanding exists between the chief of that department and myself so that there may be co-operation when desired. The executive of the city while he is not to be con-

sidered loyal is not one who would give aid or assistance against us. He has scrupulously avoided all chance of collision and where the peace and good order of the city has been involved has not hesitated to operate in connection with this department.

The council and aldermen are all of undoubted disloyalty but nothing is to be apprehended from them, the police and executive being the only branches of the city government with which it is desirable that this department should co-operate.

A full recapitulation of the foregoing statement will indicate an expense to the Government of the whole department under my charge of $2,650 per month in addition to my own compensation which has not been fixed. It may be remarked, however, that more than two-thirds of this is for a service not necessarily an incident of the existence of martial law but which must under any circumstances be incurred in some department so long as the present state of affairs exist.

I have the honor to be, general,

GEORGE E. LEIGHTON,
Provost-Marshal.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Syracuse, December 5, 1861.

Capt. J. C. KELTON, *Assistant Adjutant-General.*

CAPTAIN: I have the honor to report that prisoners are rapidly accumulating on our hands. Every day patrols or pickets bring in men returning from Price's army, sometimes with arms but more frequently without. Many of them seem anxious to take the oath of allegiance whilst all will swear not to take up arms again. I do not know what are the purposes of the general commanding the department in relation to such prisoners and shall keep them in custody until I receive orders for their disposition.

[JOHN POPE,
Brigadier-General, Commanding.]

Status of some of the Union prisoners captured by General Price at Lexington.

SAINT LOUIS, *December 5, 1861.*

Brig. Gen. L. THOMAS, *Adjutant-General U. S. Army.*

GENERAL: The enlisted men of Colonel Mulligan's regiment of volunteers taken prisoners by the enemy and released on parole have been discharged the service* as directed in General Orders, No. 69, War Department, Adjutant-General's Office, Washington, August 28, 1861. The commissioned officers are here claiming still to be in the U. S. service and entitled to pay and emoluments.

The question presented is do officers when the enlisted men of their commands under above orders are discharged cease to be officers in

* Some or all of the Union soldiers surrendered at Lexington gave a parole that they would not again take up arms against the Confederate States. Hence the order mustering many of them out of the service. Under the Frémont-Price cartel most of the Lexington prisoners were released from this sweeping parole and exchanged. But the controversy about their status continued for some time afterward. Many of the records relating to it are missing.—*Compiler.*

the service of the United States or not? This is asked in reference to Colonel Mulligan's regiment but it is desired the decision should apply to all similar cases.

Very respectfully, &c.,

H. W. HALLECK,
Major-General.

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HEADQUARTERS TWENTY-SEVENTH REGIMENT,
December 13, 1861.

[Maj. Gen. JOHN POPE.]

GENERAL: Some days ago I addressed a letter to General Halleck in regard to sixty-two men belonging to my regiment who were taken prisoners and made to take an oath not to take up arms against the Southern Confederacy. These men at that time were at Benton Barracks. On the 11th instant they reached this point and reported that General Strong ordered them to this place to be mustered out and decline doing duty. Will you please inform me what course to pursue in regard to them as my letter to the department has not been answered.

Very respectfully,

HENRY G. KENNETT,
Lieutenant-Colonel, Commanding Twenty-seventh Ohio.

[Indorsement.]

HEADQUARTERS,
Sedalia, Mo., December 13, 1861.

Respectfully referred to headquarters of the department with the recommendation that orders may be given to muster these men out of the service.

FREDK. STEELE,
Colonel, Commanding.

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HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 17, 1861.

Col. F. STEELE, *Commanding, &c., Sedalia.*

COLONEL: The commanding general directs that you have mustered out of the service and discharged those men of the Twenty-seventh Ohio Regiment who are now under parole.

Very respectfully, your obedient servant,

WILLIAM McMICHAEL,
Assistant Adjutant-General.

—

BIRD'S POINT, MO., *December 18, 1861.*

Adjutant-General KELTON.

DEAR SIR: On the 20th of September last seven of the twelve companies composing the First Illinois Cavalry (Colonel Marshall) surrendered themselves prisoners of war at Lexington and with them were all of the field and staff of said regiment. The non-commissioned officers

and privates were formally mustered out of service shortly after their release from the enemy and the officers supposed themselves still in service and ready for duty as soon as exchanged. The majority of the officers including myself have been formally exchanged. Colonel Marshall received orders from the State executive to recruit and fill up his regiment and he accordingly issued orders to the company officers to recruit and fill up their companies; and whilst affairs stood thus about the 25th of last month, General Halleck through you issued an order to me to come to this point and take command of two companies (Noleman's and Burrell's), and within a few days information has reached me but whether reliable or not I am unable to determine that within a short time and since my departure from Saint Louis General Halleck has decided that the effect of orders from Washington places Colonel Marshall out of the service, but whether the lieutenant-colonel and myself are within the decision or not I have not been able to learn. You can readily perceive that I wish further light. I want to know what decisions have been made touching our regimental organization and who all and who are not decided out of the service (in case any decision has been made on the subject); and in case I am considered in the service I want to know how I am to get the other two companies I am entitled to; whether I would be entitled to take by order of the State executive any two companies he might be willing to furnish or whether he can assign two companies under the officers of the old regiment that have raised new companies. I would like to have the companies as soon as possible so as to enable me to get them fully organized, armed and equipped at the earliest practicable period. Will you do me the favor to send me information on these points as soon as practicable.

Yours, truly,

D. P. JENKINS,
Major First Illinois Cavalry.

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HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 19, 1861.

Brig. Gen. W. K. STRONG,
Commanding, &c., Benton Barracks.

SIR: It appears that Article XIX, Revised Regulations, is not fully understood. Enlisted men taken prisoners by the enemy and released on parole or when unfit for military service in consequence of wounds, disease or infirmity can only be discharged from the service of the United States by the major-general commanding the department.

I am, very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

—

BENTON BARRACKS, *April 5, 1862.*

Major-General HALLECK.

RESPECTED SIR: We the undersigned respectfully solicit your attention for a few moments in regard to this article concerning the First Illinois Cavalry Volunteers, we having been compelled to come back into the service and that too under false pretenses; and we ask why all the members of the above regiment are not compelled to return if any part of them are? We do respect the oath which circumstances

compelled us to take when we were taken prisoners at Lexington and there surrendered our arms to General Price of the Confederate Army. We there took a solemn oath before God and man that we would not take up arms against the Southern Confederacy. We consider it our duty to stand by that oath and if we do take up arms again we will have to answer for a sin which we are compelled to commit, and moreover we do not think that an exchange will relieve us from that oath. We cannot think that oath null and void; we would be happy to think so but we do not. The officers of this regiment can return to the service with a clear conscience as they did not take an oath but were released on parole of honor and have been exchanged. We wish to do what is right and we will do that come what will. We hope to hear from you soon.

BENJAMIN F. BROWN,
President.

M. B. SMITH,
Secretary of Meeting.

—

WASHINGTON, *June 25, 1862.*

Major-General HALLECK:

It has been reported at this office that certain men in the Thirteenth Missouri Volunteers who were taken prisoners at Lexington and released on parole have been forced into the Twenty-fifth Missouri Volunteers. Some of these men were taken prisoners at Shiloh and bayoneted on the spot; others are said to be liable to similar treatment. Please investigate this matter. Have the paroled men relieved from duty and furloughed until discharged. Call upon their officers for reports.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

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HDQRS. TWENTY-FIFTH REGIMENT MISSOURI VOLUNTEERS,
In Camp near Corinth, July 18, 1862.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Mississippi, Corinth.

SIR: I have the honor to transmit a list* herewith of the non-commissioned officers and privates of the Twenty-fifth Regiment Missouri Volunteers who were taken prisoners at Lexington with remarks set against their names to show how they stand in regard to exchanges. I have recommended the discharge of some inasmuch as I find they did not intend to re-enter the service after being disbanded by order of General Frémont but felt themselves compelled to do so under the orders of the War Department and of Colonel Peabody. These orders it is understood are considered illegal by the department headquarters and the men are supposed to be entitled to their discharges. It will promote the efficiency of the regiment if the subjects of exchange and discharges can be soon passed upon.

I am, sir, very respectfully, your obedient servant,

CHESTER HARDING, JR.,
Colonel, Commanding Twenty-fifth Missouri Volunteers.

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* Omitted.

HDQRS. TWENTY-FIFTH REGIMENT MISSOURI VOLUNTEERS,
In Camp near Corinth, July 24, 1862.

Maj. J. A. RAWLINS, *Asst. Adjt. Gen., District of West Tennessee.*

SIR: I have the honor to address you for the purpose of calling the attention of the commanding general to the condition of the Twenty-fifth Regiment Missouri Volunteers in the command of which I have been since the 4th instant. September 20, 1861, the regiment was surrendered at Lexington, Mo., and in a short time thereafter was released upon parole. In October General Frémont then in command of the department ordered it to be disbanded and the men to be mustered out of service. The order was carried into effect October 26, 1861. Afterward an arrangement was made by Generals Frémont and Price whereby the Camp Jackson prisoners on parole were to be exchanged as far as their numbers reached for an equal number of Lexington prisoners. Under this arrangement a part of the officers and men of this regiment (then known as the Thirteenth Missouri Volunteers) received their release from parole but many still remained under their obligation. In February, 1862, the War Department issued a special order (No. 29) by which the muster-out was cancelled and the officers and men were required to report to regimental headquarters for duty. Col. Everett Peabody who then commanded the regiment thereupon published his order to the effect that those who failed to report would be treated as deserters. Many of the men came back for no other reason than that they supposed these orders could and would be enforced against them. In a few instances men were taken from home by actual force and compelled to serve. Of both these classes there were those who had been and those who had not been exchanged. The ranks of the regiment were filled by recruiting and every company had more or less new recruits who then enlisted for the first time as well as more or less of the old regiment. At the battle of Shiloh (as was reported among and believed by the men) some of our wounded were recognized by the enemy as having been paroled and were bayoneted on the spot. This report the officers believe to be untrue but it has created uneasiness in the ranks. Some of the latter addressed a memorial to General Halleck upon the subject and also brought the matter before the War Department. I transmit herewith an official copy of a letter of instructions from the Adjutant-General to General Halleck to which I respectfully refer.* I also inclose lists† as follows: first, names of paroled prisoners unexchanged who claim discharges; second, names of non-commissioned officers and privates who were mustered out, released from parole and afterward unwillingly rejoined in consequence of force or of the orders above referred to and who now claim discharges; third, names of paroled prisoners unexchanged who desire to be exchanged and to continue in service; fourth, names of others who have their exchanges and rejoined voluntarily. These desire a recognition of the validity of the certificates given to the Lexington prisoners—one‡ is inclosed; all the rest are similar to it. I respectfully ask early action in the premises. Discussion of these topics among the men cannot but lower the morale of the regiment, and although no instances of insubordination have as yet occurred I feel that the present condition of things cannot long continue.

I am, sir, very respectfully, your obedient servant,
CHESTER HARDING, JR.,
Colonel Twenty-fifth Missouri Volunteers.

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* See Thomas to Halleck, June 25, p. 144. † Lists omitted. ‡ Not found.

HEADQUARTERS OF THE ARMY,
Washington, August 20, 1862.

Maj. Gen. U. S. GRANT,
Commanding District of [*West*] *Tennessee, Corinth, Miss.:*

You will order the Twenty-fifth Missouri Regiment to Saint Louis to report to General Schofield to recruit and to dispose of the unexchanged prisoners still with the regiment. A list of those not exchanged will be furnished to Adjutant-General Thomas, commissioner, now visiting the camps where the prisoners are confined arranging their exchange.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

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SPECIAL ORDERS, No. 179. } HDQRS. DISTRICT OF WEST TENNESSEE,
Corinth, Miss., August 30, 1862.

I. The Twenty-fifth Regiment Missouri Volunteers, Col. Chester Harding commanding, will proceed without delay to Saint Louis, Mo., and report to Brigadier-General Schofield for the purpose of recruiting and disposing of the unexchanged prisoners still with the regiment. Two lists of these prisoners will be made immediately and one copy furnished to these headquarters and one copy furnished to Brigadier-General Schofield upon the arrival of the regiment at Saint Louis. The land transportation and camp equipage of the regiment will be turned over to the quartermaster at this place who will furnish the necessary transportation.

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By order of Maj. Gen. U. S. Grant:

T. S. BOWERS,
Acting Assistant Adjutant-General.

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HEADQUARTERS CENTRAL DIVISION OF MISSOURI,
Jefferson City, September 16, 1862.

General J. M. SCHOFIELD, *Saint Louis, Mo.*

GENERAL: Were the members of the old Thirteenth Regiment Missouri Volunteers (Colonel Peabody's) captured at Lexington exchanged or otherwise discharged from their parole as prisoners? Being under the impression that they had been exchanged several of them have joined companies in the First Regiment Cavalry Missouri State Militia. Recently they have been informed that it was a mistake that they were not exchanged and they would be liable to severe treatment in case of capture without having been discharged from their parole. They would be pleased to have some steps taken in the premises to relieve them from this danger if they have not been exchanged. What shall be done with those prisoners captured at Lone Jack and discharged on their parole?

Very respectfully, your obedient servant,

BEN. LOAN,
Brigadier-General, Missouri State Militia.

[First indorsement.]

HEADQUARTERS DISTRICT OF MISSOURI,
Saint Louis, September 19, 1862.

The Lone Jack prisoners will all be mustered out of service.
By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

[Second indorsement.]

Send Lexington prisoners to Benton Barracks.
By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Syracuse, December 7, 1861.

General CULLUM:

* * * * * * *

Many of his [Price's] men have come in and asked to lay down their arms promising to take them up no more. Of course such promises even when accompanied by the oath of allegiance amount to nothing. One-half the men in this section of country have been thus sworn by one side or the other but there are few of them who observe such oaths. The patrolling parties frequently capture men from Price's army who are at home on furlough or to recruit. I have many such prisoners.

I would also say that I am fearful that important dispatches by telegraph are intercepted between here and Saint Louis—that is that they are taken off from the wires in course of transmittal and communicated to the enemy. It is easy with a short wire and instrument to do this at any point of the line and I therefore very much dislike to send important news by telegraph unless in cipher. A cipher has been made for this department I would respectfully suggest that it be used in all dispatches of importance.

I am, general, very respectfully, your obedient servant,

[JOHN POPE,]
Brigadier-General, Commanding.

GENERAL ORDERS, No. 14. } HDQRS. DISTRICT OF CENTRAL MISSOURI,
Syracuse, December 9, 1861.

Col. A. P. Hovey, Twenty-fourth Indiana Volunteers, is appointed provost-marshal of this district and will be obeyed and respected accordingly. He will establish his headquarters at Otterville or at the cantonment on the Lamine River.

Hereafter all prisoners captured by our patrols, pickets or other detachments except such as are taken to Jefferson City will be sent to Colonel Hovey at Otterville who is hereby charged with the care and safe-keeping of all prisoners within this district belonging to the forces of the enemy or who have been giving him aid and comfort.

Whenever prisoners are sent to the provost-marshal written statements of the allegations against them certified under oath giving details of capture, name, description of person and such other testimony against them as will be sufficient to fix upon them the facts charged will be transmitted with them.

The provost-marshal shall make requisition upon the proper department for the guard for houses and tents, for blankets when needed, for provisions and for all other things required for the security and proper care of the prisoners placed in his keeping, and will furnish as soon as possible to these headquarters copies of the affidavits above specified.

It is only the purpose of the Government to keep such prisoners in confinement until their cases may be acted on and every leniency consistent with their safe-keeping will be shown them.

The provost-marshal is charged with the security of all prisoners properly turned over to him and it is especially enjoined that they be subjected to no hardship nor suffering not incident to captivity under such circumstances.

Commissioned officers will be kept separate from enlisted men and every courtesy proper to their rank will be extended to them. All the provisions of this order will be applied to and will govern the provost-marshal at Jefferson City.

It is not necessary to remind the officers and soldiers of this command that it is as much their duty to be kind and courteous to those whom the fortune of war has thrown into their hands as it is to fight manfully against them when the occasion presents itself, and it is hoped and expected by the general commanding this district that no cases of harsh or discourteous treatment of prisoners may ever occur within his command.

By order of General Pope:

[SPEED BUTLER,
Acting Assistant Adjutant-General.]

HEADQUARTERS,
Cape Girardeau, December 10, 1861.

General WATKINS, *New Madrid, Mo.*

GENERAL: Your communication of the 4th instant inclosing correspondence* of Colonel Plummer reached me by the hand of Mr. Rodney yesterday. In reply permit me to say that the agreement of Colonel Plummer in reference to your return will be cheerfully and faithfully enforced by me. Nothing can be more satisfactory to me personally than to meet you in the capacity of friend and citizen. Unpleasant circumstances evidently based upon a misapprehension of the aim and object of our Government has occasioned temporary estrangement of many of our hitherto loyal citizens—an apprehension which when dissipated by time will cause many once firm friends to rally again to the standard of our common undivided country. If I properly comprehend the understanding had with my predecessor, Colonel Plummer, you will simply be required to pledge anew your allegiance to the Government, return to your home and transact your usual business and the protecting arm of the military will be thrown around yourself, family and property. In regard to the return of the slaves mentioned by you I can and will in behalf of those with whom I act say that nothing shall

* Not found.

interpose to prevent their return to you—as your property you have a right to their service. I would not feel authorized to offer you a file of soldiers to forcibly take them to your home; but I can comporting with the order of Major-General Halleck authorize their return to you by permitting no interposition against their return and by acquiescing in any course taken by you to recover them. It would give me pleasure to say honestly to those who are warring against us that while my power lasts if they will return to their homes as I have written to you they shall be protected. The policy of our Government is to conciliate rather than coerce. Hence I hope that when this reaches you it will find you fully prepared to come to us, and hereafter to find you if not positively with us at least holding a position that will enable you by example to do much in causing the return of those who in an unguarded moment threw off their allegiance to the Government of our fathers and united their destiny with one that experience may teach them is not for their good.

Trusting to take you by the hand soon, I am, &c.,

L. F. ROSS,

Colonel Seventeenth Illinois Regiment, Commanding.

SAINT LOUIS, *December 11, 1861.*

General S. R. CURTIS.

DEAR SIR: As an honest man I would seriously object to taking this oath because that every man that takes it can't avoid perjury for he can't support the Government and uphold and sustain the Constitution at the same time.

It does appear to me an unsophisticated individual that our rulers are crazy, and you among the rest if this oath is prescribed by you. You all seem to overlook several facts that are patent to all the world. First of them though not least is that there no longer exists any union of all the States and that there is really less Union feeling in the hearts of the Northern people than in the Southern people. The next and still more prominent fact is that it is impossible to perpetuate or create a union by force. Union don't mean war and war don't mean union. The more war the less union. But why reason with crazy men?

NAOMI.

[Inclosure.]

GENERAL ORDERS, No. 5. } HEADQUARTERS SAINT LOUIS DISTRICT, *Saint Louis, Mo., December 6, 1861.*

I. To carry out the arrangements for protecting the commerce of the Mississippi as required by General Orders, No. 4, of this district, the oath embodied in paragraph II and the blanks for names and description are prescribed for the use of the boats and houses engaged in this trade. This oath is also prescribed as the oath of allegiance to be taken and subscribed in obedience to paragraph V of General Orders, No. 13, of the Department of the Missouri, and in all other cases in this command when an oath of allegiance is authorized and required.

II. Oath of allegiance to the United States Government:

I solemnly swear that I will bear true allegiance to the United States and support and sustain the Constitution and laws thereof; that I will maintain the national sovereignty paramount to that of all State, county or confederate powers; that I will discourage, discountenance and forever oppose secession, rebellion and disin-

tegration of the Federal Union; that I disclaim and denounce all faith and fellowship with the so-called Confederate States and Confederate armies and pledge my honor, my property and my life to the sacred performance of this my solemn oath of allegiance to the Government of the United States of America.

By order of Brigadier-General Curtis:

N. P. CHIPMAN,
Major and Acting Assistant Adjutant-General.

GENERAL ORDERS, No. 24. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, December 12, 1861.*

I. The suffering families driven by rebels from Southwestern Missouri which have already arrived here have been supplied by voluntary contributions made by Union men; others are on the way to arrive in a few days. These must be supplied by the charity of men known to be hostile to the Union. A list will be prepared of the names of all persons of this class who do not voluntarily furnish their quota and a contribution will be levied on them of $10,000 in clothing, provisions and quarters, or money in lieu thereof. This levy will be made upon the following classes of persons in proportion to the guilt and property of each individual: first, those in arms with the enemy who have property in this city; second, those who have furnished pecuniary or other aid to the enemy or to persons in the enemy's service; third, those who have verbally, in writing or by publication given encouragement to insurgents and rebels.

II. Brig. Gen. S. R. Curtis, U. S. Volunteers, Lieut. Col. B. G. Farrar, provost-marshal-general, and Charles Borg, esq., assessor of the county of Saint Louis, will constitute a board of assessors for levying the afore-mentioned contribution. In determining the amount of property of the individuals assessed the board will take into consideration the official assessment lists for municipal taxes.

III. As soon as any part of this contribution has been assessed by the board the provost-marshal-general will notify the parties assessed, their agents or representatives, stating the amount of provisions, clothing or quarters and the money value thereof required of each; and if not furnished within the time specified in such notice he will issue an execution and sufficient property will be taken and sold at public auction to satisfy the assessment with costs and a penalty of 25 per cent. in addition. Where buildings or parts of buildings are to be used and where any of the sufferers are to be quartered on families care should be taken to produce as little inconvenience to the owners or families as possible, this not being considered a military contribution levied upon the enemy but merely a collection to be made from friends of the enemy for charitable purposes.

IV. If any person upon whom such assessment shall be made shall file with the provost-marshal-general an affidavit that he is a loyal citizen and has been true to his allegiance to the United States he will be allowed one week to furnish evidence to the board to vindicate his character; and if at the end of that time he shall not be able to satisfy the board of his loyalty the assessment shall be increased 10 per cent. and the levy immediately made.

V. The supplies so collected will be expended for the object designated under the direction of the provost-marshal-general with the advice of the State Sanitary Commission. Where moneys are received in lieu of supplies it will be expended for them as they may be required.

Any money not so expended will be turned over to the Sanitary Commission for the benefit of sick soldiers. A strict and accurate account of these receipts and expenditures will be kept and returned to these headquarters.

VI. Any one who shall resist or attempt to resist the execution of these orders will be immediately arrested and imprisoned and will be tried by a military commission.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Syracuse, December 12, 1861.

Colonel STEELE, *Sedalia.*

COLONEL: The general commanding directs that you send all the prisoners in confinement at Sedalia under proper guard to report to Col. A. P. Hovey, provost-marshal, at Lamine cantonment, except such as are enlisted in Price's army and whom you deem it safe to release on parole; also a written statement of the allegations against each prisoner certified under oath giving name, description of person, details of capture and such testimony against them as will be sufficient to fix upon them the facts charged. In sending prisoners to Saint Louis you will conform in every particular to the instructions of General Halleck's dispatch and to the requirements of General Orders, No. 13,* from headquarters of the department, copies of which you will find herewith inclosed.

I am, colonel, your obedient servant,

[C. A. MORGAN,]
Aide-de-Camp.

[Inclosure.]

General JOHN POPE:

Send your prisoners here except in cases where you deem it perfectly safe to release them on parole.

H. W. HALLECK.

SAINT LOUIS, *December 12, 1861.*

Col. W. P. CARLIN,
Commanding U. S. Forces at Pilot Knob, Mo.

COLONEL: In reply to your letter of the 10th instant,† the general commanding directs that you govern yourself with respect to the returning men from Thompson's army by the requirements of General Orders, No. 13, from the headquarters of this department. Those who you think can be trusted may be released on taking the oath of allegiance and giving their parole that they will not leave their own neighborhood without the authority of the department or district commander; and those upon whom you cannot rely you will hold as prisoners and

* For General Orders, No. 13, from headquarters Department of the Missouri, see Series I, Vol. VIII, p. 405.

† Not found.

if necessary send them to this place. You will keep distinct lists of both classes for reference, and make records of the oaths and paroles of the former class for evidence against any one violating them.

Very respectfully, your most obedient,

GEO. W. CULLUM,
Brigadier-General and Chief of Staff.

HEADQUARTERS,
Fort Scott, Kans., December 13, 1861.

Maj. Gen. STERLING PRICE, *Missouri State Guard.*

SIR: On the 7th day of December, A. D. 1861, B. F. Potter, Charles Harding, James N. Bittle, John C. Allsup, were taken prisoners by a Montevallo company on Clear Creek. I think the company was commanded by one Captain Gatewood. The prisoners were at a house on said creek, three of them in charge of one very sick man, viz, B. F. Potter, when they were taken. I have some prisoners here whom I will exchange for those men—one for one. I have had here in the last three months at least 200 prisoners amongst whom were several officers all of whom I have released, some unconditionally and some on parole for exchange; amongst whom is the son of Colonel Rosser who is on parole for exchange, whom you desired to have exchanged in your note to General Lane sometime since. You will confer a favor by forwarding the prisoners to this post by one man with a flag of truce.

Respectfully, your obedient servant,

W. R. JUDSON,
Colonel, Commanding Post.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Syracuse, December 14, 1861.

Major-General HALLECK:

A large number of immigrants driven from Southwest Missouri are arriving here and at Otterville utterly destitute. Unless something be done for them they must perish of starvation and exposure. There is no means here to shelter them nor provide for them. I can issue them rations, which in fact I must do or see them perish, but no shelter can be found for them. It seems to be absolutely necessary for the Government to provide for these people during the winter at least. If I were in the neighborhood of any considerable town I would quarter them on the inhabitants, but this section of the country is sparsely populated and already nearly exhausted of supplies. Some speedy action ought to be taken in relation to these unfortunate people.

I am, general, respectfully, your obedient servant,

[JOHN POPE,]
Brigadier-General, Commanding.

OFFICE OF PROVOST-MARSHAL-GENERAL,
Saint Louis, December 14, 1861.

S. HATCH, *Provost-Marshal, Saint Joseph, Mo.*

SIR: Your communication of the 8th instant advising me of your appointment to the office of provost-marshal of Saint Joseph, Mo., has been received. Until full and explicit instructions are sent for your

guidance you will reduce to writing the evidence in each case brought before you and forward the same to this office together with your opinion thereon. All prisoners must be retained until directions in relation thereto shall be received. In trivial cases or where there is no evidence you will dispose of the matter without reference to this office. By trivial cases is meant such as do not involve the life, liberty or property of the accused by reason of any treasonable charges.

Very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

P. S.—Since writing the above we have just ascertained that arrangements are being made in relation to the passports of British subjects and information thereon will be promulgated in a day or two.

[B. G. F.]

GENERAL ORDERS, No. 27. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, December 16, 1861.*

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8. Prisoners of war held by us whether officers or soldiers while in confinement will be regularly supplied with the army ration by the commissary department on the requisition of the officer in charge of such prisoners. Where prisoners of war are at large on their parole they will be expected to procure their own subsistence, and no commutation or pay for board will be allowed unless by special orders from these headquarters. A separate account will be kept of all supplies furnished to prisoners of war.

9. Post and depot commissaries will correspond directly with the chief commissary of the department. They will exercise a supervisory control over the commissaries to whom they make issues to the extent of seeing that the supplies are properly distributed and taken care of. This, however, will not apply to cases where the post or depot commissary is junior in rank.

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By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SAINT LOUIS, *December 23, 1861.*

Major-General HALLECK.

GENERAL: I had heard and believed that Senator Johnson was in Western Virginia but the Hon. James H. Birch, who as you are aware was a prisoner in General Price's camp, informed me upon his return that he was at the houses of some of Mr. Johnson's relations in the neighborhood of Price's army, and heard remarks made by those relatives indicating that he (Johnson) then was or had lately been with that army. I refer you to Judge Birch, who is in the city at the Planters' House. As to Senator Polk I have no other information than that he left the city in a clandestine manner and that his destination was not made known even to his family. He is reported to have gone South to join the rebels but I know not the authority for the report.

Very respectfully, your obedient servant,

H. R. GAMBLE.

HEADQUARTERS,
Cape Girardeau, December 23, 1861.

Major-General HALLECK,
Department of the Missouri, Saint Louis, Mo.

MY DEAR SIR: Upon assuming command at this post I found that a correspondence had been carried on between Colonel Plummer and General Watkins, of Jackson, Mo. The purport of the correspondence seemed to indicate a desire upon the part of General Watkins, whom you no doubt are aware has been in the camp of the rebel army under Jeff. Thompson, to return to his home in this county. The character and influence as well as position of General Watkins would make him a valuable accession to our cause as well as do much toward weakening that of the enemy. The tone of the general indicates an assumption on his part that he has never been strictly speaking in arms against the Government. That he was connected originally with the Missouri State Guard he does not deny but views it in the light of a State organization only created for the defense of the State from aggression on both sides desiring to preserve a neutrality; hence he states that the terms proposed to him, to wit, to return and take the oath, would raise a presumption that he had once been disloyal which he emphatically denies. Some property was taken from him which he desires as part of the terms should be returned to him; the property consists of negroes and stock. I am advised by those who knew General Watkins personally that he is a man of high moral character, strict integrity and unquestionable honor. The immediate point at issue is can he (General Watkins) be made an exception to the general rule as to the obligation to be administered. Evidently the position taken by the general is based upon his misapprehension of the object of the oath and is clearly taken with honest conviction of right on his part and in this instance it may be well to authorize his return without any positive manifestation of loyalty other than that which would necessarily grow out of positive loyal action. He proposes then to return to his home, transact his usual business and to be in all things loyal to the Government for which he professes so much attachment. Inclosed I therefore send you so much of the correspondence* as may tend to throw additional light upon the question.

Hoping to hear from you and be advised, I remain, &c.,
L. F. ROSS,
Colonel Seventeenth Illinois, Commanding.

HEADQUARTERS SIXTH REGIMENT KANSAS VOLUNTEERS,
Fort Scott, December 23, 1861.

Major-General PRICE, or
ANY OTHER OFFICER
COMMANDING CONFEDERATE FORCES IN MISSOURI:

The bearer of this goes to you to ask an exchange of prisoners. We have six prisoners belonging to your forces, to wit, D. S. Graham, W. Smith, W. Brice, J. Smith, J. J. Jones and a Captain Baker. I understand you have four prisoners belonging to my regiment, to wit, B. F. Potter, Charles Harding, James N. Bittle and J. C. Allsup. If you will send my men here or appoint a place where I can send your prisoners

* Not found.

and make the exchange I will attend to it at once. By so doing you will relieve many families from intense anxiety on both sides of the line.

I am, sir, yours, on behalf of humanity,

W. R. JUDSON,
Colonel, Commanding Sixth Regiment Kansas Volunteers.

GENERAL ORDERS, No. 34. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, Mo., December 26, 1861.*

I. In virtue of authority conferred by the President of the United States martial law heretofore declared in this city will be enforced. In virtue of the same authority martial law is hereby declared and will be enforced in and about all railroads in this State.

It is not intended by this declaration to interfere with the jurisdiction of any civil court which is loyal to the Government of the United States and which will aid the military authorities in enforcing order and punishing crimes.

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By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, December 26, 1861.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri.

GENERAL: The communication addressed by a committee of the U. S. Senate to yourself* and referred to me for report has received my careful attention. The evidence I have that Waldo P. Johnson is at present in Virginia or elsewhere in the seceded States though not positive is of such a strong presumptive character as to leave no doubt of the fact on my mind. Positive proof I am credibly informed can be had that he did publicly advocate the right and propriety of the secession of Missouri. I have no information from reliable sources of any participation on his part in the rebellion further than the encouragement given by his association and intimate relations with C. F. Jackson and Sterling Price, kept up after the battle of Boonville. I am unable to ascertain any cause preventing his attendance on the Senate.

Mr. Trusten Polk has gone South. I have reliable information that he went clandestinely through Southeast Missouri to Memphis, Tenn. The letter referred to by the committee addressed by Mr. Polk to Peter S. Wilks has been seen by a number of gentlemen in this city who know the handwriting of Mr. Polk well and who are positive as to its genuineness. The original is in possession of Mr. W. D. Murphy who resides at Linn Creek, Camden County, Mo.

I am, general, very respectfully,

BERNARD G. FARRAR,
Provost-Marshal-General.

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*Not found.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, December 26, 1861.

COMMANDING OFFICER, *Cape Girardeau, Mo.:*

The provost-marshal at your post has notified me that he has levied an assessment for the relief of Union men in destitute circumstances coming into your lines. I am instructed by Major-General Halleck to direct you to countermand the order for the assessment and to report to headquarters the number and condition of refugees who have come within your lines and are remaining there for safety when the proper order will be directed from headquarters.

Very respectfully,

BERNARD G. FARRAR,
Provost-Marshal-General.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
New Madrid, Mo., December 28, 1861.

Col. W. P. CARLIN, U. S. Army, *Commandant, Ironton, Mo.*

SIR: Your favor of December 11 by the hands of Captain Higdon, Missouri State Guard, was this day received. I understand from Captain Higdon that you have written to me before but I assure you that yours of 11th instant is the only communication received or they should have been promptly answered.

In reference to your proposition for the exchange of prisoners I will state that I have written to General Halleck* proposing to publish a general order releasing from parole all of your men whom I have at various times captured if he would issue a general order ordering all that have been captured from me to be released. I have not yet received an answer to the letter but expect one daily, and if he does not accept my proposition then I will cheerfully make an arrangement with you gentlemen who being better acquainted with the circumstances are better able to decide.

I start on an expedition which I think will offset all you can catch of my homesick men.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

MCDOWELL'S COLLEGE, *Saint Louis, January 1, 1862.*

General H. W. HALLECK, *Commanding.*

DEAR SIR: The prisoners confined in this building would beg leave to express through their committee their present condition and ask your honor to alleviate in some degree their present crowded condition, and request that a room be prepared for our sick fellow-prisoners who are now compelled to lay and listen to the continued noise and bustle. At this time there are a great many on the sick list and the number is rapidly increasing. A malignant form of measles has made its appearance amongst us and there are a large number of prisoners who are confined here who never have had the disease who are liable to become

* See Thompson to Halleck, Dec. 2, p. 139.

sick with it. Several persons have already died from various diseases and unless something can be done to thin out our rooms and remove the sick an alarming mortality will inevitably result. We would also respectfully request that our physicians be allowed the privilege of attending their sick friends if such a room be prepared near by. We would also represent that there are a large number of citizens among the prisoners who have expressed themselves willing to take an oath not to take up arms against the Federal Government as they are anxious to return to their homes in peace; also that the soldiers taken in arms and held as prisoners of war would state through this committee a willingness to take an obligation not to take up arms again until honorably exchanged and pledge themselves as honorable men to respect such obligation.

These things we respectfully submit for your consideration.

WM. HILL,
J. M. TUTON,
CHAS. H. HARLAN,
SOLON D. MARTIN,
Committee.

SAINT LOUIS, *January 6, 1862.*

Col. F. STEELE, *Commanding, &c., Sedalia, Mo.*

COLONEL: I have received reliable information from Lexington that Joe H. Nichols and Frank Thomas released from arrest by you are the most active and dangerous rebels in that part of the country. The former was a member of the Missouri band who robbed and fired upon Union men in Lexington, and Thomas it is said was one of Joe Shelby's party who robbed the steamer Sunshine. Nichols while on his way from Sedalia on the stage to Lexington pulled a secession flag from his pocket and displayed it in every place through which he passed. Moreover the petition of Union men which was presented to Major Crittenden was mostly a forgery, the few Union men who did actually sign it being forced to do so by the secession friends of Nichols. The evidence is very strong that these are both very dangerous men and should never have been released.

Greater caution should be observed in such matters and hereafter no one will be released without requiring of him the oath of allegiance and parole of honor the violation of which shall be followed by death. I will send you a blank form for such oath and parole.

Very respectfully, &c.,

H. W. HALLECK,
Major-General.

SPRINGFIELD, ILL., *January 7, 1862.*

Mr. S. CAMERON, *Secretary of War.*

DEAR SIR: There are several men in my office who wish to ask of you a question. The question grows out of these facts: first, these men joined Capt. John Burnap's company, of the First Regiment Illinois Cavalry; second, these men were taken by the secessionists at the battle of Lexington, Mo., about the 20th of September, 1861, and held as prisoners of war; third, these men were released—set free by the secessionists—and the condition and oath having been administered to our Union men who are now present by the secessionists was that

these men should never take up arms against the Southern Confederacy or against the State of Missouri. If this oath of our men should be violated by them then death was the inevitable penalty. These men were so released upon the foregoing conditions and were brought to this city. These men and the whole company of Captain Burnap were duly and legally mustered out of service by Captain Watson of the Regular Army of the United States. A written discharge was given by Captain Burnap and ordered so by Captain Watson. Now the question is can Captain Burnap or other person duly authorized according to the Articles of War and the rules and regulations of your Department force these men—this company—into said service again or any other service as members, privates or otherwise of said company against the will of each or any or all said persons? Please answer fully and particularly at as early a moment as possible.

Your friend,

W. H. HERNDON.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, January 7, 1862.

Capt. DANIEL HUSTON, *Provost-Marshal, Sedalia.*

CAPTAIN: Your communication of the 5th instant with your weekly report* has been received. Your action in sending your prisoners to Otterville before the military commission there sitting is approved. You will continue to send them to Otterville so long as the commission remains in session. After the adjournment of the commission you will again comply with the provisions of Order No. 1. Continue to send your reports to this office as in the present case. Captain Magoffin is to be considered as a prisoner of war and to be sent down with the next batch of prisoners.

Very respectfully,

BERNARD G. FARRAR,
Provost-Marshal-General.

SAINT LOUIS, *January 11, 1862.*

Col. F. STEELE, *Commanding, Sedalia.*

COLONEL: Yours of the 9th* is just received. I entirely disapprove of the release of prisoners of war on their parole to go where they please. Most of them do not keep their parole at all and merely serve as spies about our lines and get up insurrections. This is especially the case with "Virginia gentlemen" of the class you refer to. They pay no regard whatever to their oath of allegiance. All prisoners of war that are taken in arms or in the enemy's service should be held as such and not allowed to leave camp. This taking of prisoners and releasing them over and over again is all wrong; it is time to end it. All such men should be sent here where they can be retained or exchanged. Such men as the Washingtons and Magoffins are not proper persons for release.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

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* Not found.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, January 11, 1862.

Dr. JOHN T. HODGEN,
Surgeon-General, Hospital corner Fifth and Chestnut.

DOCTOR: You will not permit friends of prisoners under your care to furnish articles of clothing and diet nor to visit the patients except in cases of extreme illness or pressing business, in all of which cases you will be the sole judge of the propriety of granting the permission.

I am, doctor, very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

SAINT LOUIS, *January 14, 1862.*

Col. L. F. ROSS, *Commanding, Cape Girardeau, Mo.*

COLONEL: I have delayed answering your letter of December 23 in relation to General Watkins in order to obtain certain information which I have been expecting about General W. and others in that part of the country. Very many of those who have returned from the enemy and given their parole have acted as spies on our operations giving the enemy all the information they could obtain, assisting in getting up insurrections and planning the burning of bridges, &c. It is therefore necessary to observe due precaution in this matter.

If General Watkins has been in the enemy's service either State or Confederate he must come back in one of two capacities—either as a prisoner of war or as a citizen returning to his allegiance. If he returns as a prisoner of war he may be released on his parole of honor that he will remain quietly on his farm giving no information or assistance of any kind to the enemy and that he will present himself at your post, or any other, when called for. If he returns as a loyal citizen he certainly cannot object to taking the oath of allegiance. Such oath will not as a general rule be required of men who have not been in the enemy's service or have in no way assisted the enemy although they may have been in the Confederate States. For example secessionists here in Saint Louis have not been required to take any oath of allegiance but if they have been in the enemy's service and now wish to return to their allegiance they are invariably required to take the oath and sometimes to give additional security.

If General W. should decide to take the oath all stock taken from him should be returned. With regard to his slaves if any are in your camp as fugitives they are so held in positive violation of General Orders, No. 3, of 1861, unless such slaves were taken in virtue of the act of Congress. Except in the case provided for by Congress troops should be permitted neither to steal slaves nor to catch and return them to their owners or pretended owners. The military are neither slave stealers nor slave catchers. To avoid all difficulties about this matter keep fugitives out of camp and let the question of ownership be decided by the civil tribunals.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 18, 1862.

Maj. Gen. H. W. HALLECK, U. S. Army, *Saint Louis, Mo.:*

Please forward for the general-in-chief without delay a list of prisoners of war with rank of each in your custody.

L. THOMAS,
Adjutant-General.

HEADQUARTERS,
Cape Girardeau, Mo., January 21, 1862.

General WATKINS, *New Madrid, Mo.*

MY DEAR SIR: The following is an extract from General Halleck's communication of 14th instant which reached this post a day or two since:

If General Watkins has been in the enemy's service either State or Confederate he must come back in one of two capacities—either as prisoner of war or as a citizen returning to his allegiance. If he returns as prisoner of war he may be released on his parole of honor that he will remain quietly on his farm giving no information or assistance of any kind to the enemy and that he will present himself at your post or any other when called for.

In reference to the question of property General Halleck says:

If General Watkins should decide to take the oath all stock taken from him should be returned.

I am extremely anxious, my dear sir, that you should return to your home and pursue your daily avocation, feeling myself that your age as well as your inclinations dictate that peace and quiet are so well befitting one of your position. Whichever of the courses prescribed by Major-General Halleck you see proper to pursue I need not assure you that so far as my command is concerned everything consistent with my duty to my Government will be done by me to make your return and residence among your old friends pleasant. I sincerely hope that you will return to your home and in doing so I have every confidence that you will by your influence contribute to the restoration of quiet and renewed good feeling in this section of Missouri. You will pardon my earnestness but I cannot but desire your well-being and good from the acquaintance I feel I have formed with you by both communication and report.

I am, your obedient servant,

L. F. ROSS,
Colonel, Commanding Post.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
New Madrid, January 22, 1862.

Col. LEONARD F. ROSS, U. S. Army,
Commandant, Cape Girardeau.

SIR: I am informed that many of my men who are your prisoners are suffering for insufficient clothing. I also hear that the charitable citizens of Cape Girardeau are willing to supply their wants if allowed to by yourself. I would therefore ask that you would grant this privilege as I understand it was allowed in Saint Louis.

If the citizens will not be permitted to furnish these things will I be allowed to send them? I have been anxiously awaiting an answer from General Halleck to my proposition to make a general exchange of prisoners for we will get our accounts confused, and I will have to commence catching citizens who will offset those whom your men are now capturing.

Yours, respectfully,

M. JEFF. THOMPSON,
Brigadier-General.

SAINT LOUIS, *January 25, 1862.*

General N. B. BAKER,
Adjutant-General of Iowa, Des Moines.

GENERAL: I have to acknowledge the receipt of your letter* of the 17th in relation to the exchange of prisoners of war. I have frequently urged upon the Government at Washington the policy of exchanging prisoners but have received no authority to do so except in two particular cases. I have urgently asked for a general authority and hope soon to receive it.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, January 27, 1862.

Maj. Gen. STERLING PRICE,
Commanding, &c., Springfield, Mo.

GENERAL: A man calling himself L. V. Nicholas came to my headquarters a day or two since with a duplicate of your letter of the 12th instant. On being questioned he admitted that he belonged to your service, that he had come in citizens' dress from Springfield avoiding some of our military posts and passing through others in disguise and without reporting himself to the commanders. He said that he had done this by your direction. On being asked for his flag of truce he pulled from his pocket a dirty handkerchief with a short stick tied to one corner.

You must be aware, general, that persons so sent through our lines and past our military posts to these headquarters are liable to the punishment of death. They are no more nor less than spies and probably are sent by you to this city to act as such. I shall send Mr. Nicholas back to your camp; but if you send any more persons here in the same way they will be regarded as spies and tried and condemned as such.

You must know, general, that the laws and usages of war require that a bearer of a flag of truce should report at the nearest post and should not pass the outer line of sentinels without permission. He should not even approach within gunshot of a sentinel without displaying his flag and receiving a signal to advance. If he have dispatches he should send for an officer to receive and receipt for them, which officer should direct the flag of truce to immediately leave our lines. Answers to such dispatches should immediately be sent to you by us in the same way.

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* Not found.

In a postscript to the copy of your letter of the 12th instant just received you call my attention to the fact that a band of men are "firing private houses, barns, mills, &c." I presume you refer to a band of outlaws on the Kansas frontier. They do not belong to my command and they entered this department without my authority. As soon as I heard of their depredations I ordered General Pope to either drive them out of the State or to disarm and confine them.

Be assured, general, that no acts of wanton spoliation such as "firing private houses, barns, mills," &c., and "burning and destroying railroad bridges," &c., will be countenanced by me. On the contrary I propose to punish with the utmost severity every act of wanton destruction of property, public or private, and every act of pillage, marauding, robbery and theft committed in this department no matter under whose orders or authority the guilty parties may have acted.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding Department.

SAINT LOUIS, *January 28, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington.

GENERAL: I inclose herewith lists* of prisoners of war so far as I have received them. I have not been able to get the names of many of the prisoners taken in Northern Missouri as the officers there pay very little attention to orders or regulations respecting returns; moreover very many of the common country people who entered Price's army through ignorance and deception have been released on taking the oath of allegiance and giving bonds for future good conduct. This course has been adopted partly as a matter of policy and partly for the reason that we had no proper place for their confinement. Alton prison has been put in order and will be occupied this week. I inclose a copy of the oath of allegiance* required of those who are released. None are released except on his own application.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

SAINT LOUIS, *January 29, 1862.*

Maj. Gen. D. HUNTER,
Commanding Department of Kansas, Fort Leavenworth.

GENERAL: Your letter of the 23d instant in relation to the exchange of Captain Robb is received. I will in a few days enter into a negotiation for an exchange having just received authority for that purpose. The depredations of Jennison's men in Jackson, Cass and Johnson Counties are doing us immense injury in this State by making secessionists of large numbers of Union men. They do more harm than Price's whole army. I sincerely hope you will keep them out of this State.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

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* Omitted.

SAINT LOUIS, *January 29, 1862.*

Col. L. F. ROSS, *Commanding, Cape Girardeau, Mo.*

COLONEL: Your letters* of the 19th and 21st instant have been received.

* * * * * * *

In regard to the release of prisoners on taking the prescribed oath of allegiance great care should be taken to avoid deception as to the real intentions of those released. Bonds should also be required where practicable. Where there is any doubt of the future good conduct of those asking to take the oath of allegiance they should be sent here for exchange.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS,
Cape Girardeau, January 30, 1862.

General N. W. WATKINS, *New Madrid, Mo.*

MY DEAR SIR: Your wife can return to her home in Jackson unmolested. The purpose of my Government is not to make war on women and children. Your son who has taken the oath will not be interfered with no matter where he may reside. His occupancy of your farm will not prevent the Government taking such steps hereafter toward the confiscation of such property as may be owned by disloyal citizens as in the judgment of our rulers may be wise and prudent. I have no reply from General Halleck further than heretofore communicated to you. I beg leave, however, to further insist on your pursuing one of the other of his suggestions.

I am, truly, your obedient servant,

L. F. ROSS,
Colonel, Commanding.

ALTON, *January 31, 1862.*

Major-General HALLECK, *Saint Louis, Mo.*

SIR: I see you are about to send the rebel prisoners to Alton. If so and the General Government will let the contract for guarding them for one month, two, three or four months as the case may be I will guard the prisoners for the sum of $5,000 per month, you furnishing me with the following arms: one hundred stands of Government arms, two 6-pounders, and ammunition for same at forty rounds to each stand of arms. I will give you bond in the sum of $5,000 to faithfully perform any contract which you may make with me. I will further pay you $50 for each and every prisoner that will escape from the prison. I will guarantee to deliver every rebel dead or alive to you when called for that you may deliver up to me at Alton.

I remain, your obedient servant,

JOHN E. COPPINGER.

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* Not found.

GENERAL ORDERS, No. 30. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, February 3, 1862.*

I. Where an exchange of prisoners of war is made under authority from these headquarters a descriptive list of the persons so exchanged will be sent to the assistant adjutant-general of the department exhibiting in parallel columns the names and rank of the parties exchanged with the designation of the companies, regiments or corps to which they belong. These lists should also state the time and place of capture and whether or not the parties exchanged had been released on parole.

II. All prisoners of war belonging to the U. S. Army or volunteers on parole in this department will report by letter to the assistant adjutant-general of the department stating name and rank, with the designation of company, regiment or corps to which they belong, the time and place of capture, the nature of parole (with copy if possible), in order that they may be duly exchanged.

III. All prisoners of war belonging or claiming to belong to the Confederate forces now in this department who desire an exchange will make similar reports to the assistant adjutant-general of the department. It is proper to remark in this connection that persons charged with the violation of the laws of war as spies, bridge-burners, marauders, &c., will not be exchanged but will be held for trial under such charges; and that those not under such charges who are willing to take the oath of allegiance and give security for their future good conduct may if deemed expedient be released without exchange. All persons exchanged as prisoners of war will be sent to the enemy's lines under a proper escort and will not be permitted to remain in this department.

IV. It having been ascertained that officers of the enemy have proposed for exchange the names of a number of our troops as prisoners of war on parole who have already been exchanged it is directed that no exchange of persons not in actual custody will be made without special authority from these headquarters.

V. The following tariff of exchange proposed by Maj. Gen. Sterling Price is adopted and will be followed until further orders: Where the same grades cannot be exchanged for each other 2 of the next lower grade will be substituted—that is 1 major-general for 2 brigadiers, or 4 colonels, or 8 lieutenant-colonels, or 16 majors, or 32 captains, or 64 lieutenants, or 128 non-commissioned officers, or 256 privates. In this tariff no distinction will be made between first and second lieutenants, or between sergeants and corporals. Of course alternations of grades can be made where necessary on the same basis. Musicians, wagoners and others will be exchanged as privates or non-commissioned officers according as they are rated in our service.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

GENERAL ORDERS, No. 33. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, February 8, 1862.*

I. In General Orders, No. 30, current series, section 5, in relation to the tariff of exchange of prisoners of war proposed by Major-General Price, agreed to by the major-general commanding this department and

also it is understood by Major-General Polk, no provision is made respecting medical officers. When exchanged it will be according to their assimilated rank.

II. As humanity requires and the usages of civilized warfare permit that medical officers should be treated differently from ordinary prisoners of war it is proposed to officers commanding the enemy's forces to adopt the following rule with respect to them: Where captured with other prisoners of war they will be retained to take charge of their own sick and wounded as long as their services are so required. When their services are not required for this purpose or when the particular command with which they are taken is exchanged or released they will be sent back to their own lines under a flag of truce without parole or exchange. In the meantime they will be subject to exchange according to assimilated rank. While employed in the care of the sick or wounded prisoners of war they will be allowed all proper facilities and indulgences. When released on parole the performance of medical duties in the field or hospital will not be construed as a violation of parole. Exceptions will be made in regard to limits and indulgences only in special cases, as in cases of insurgents or the danger of the escape of other prisoners, when the reasons of the exception will be reported to these headquarters.

III. These terms with respect to medical officers taken prisoners of war will be proposed to the commanding officers of the enemy's forces in or adjacent to this department, and if agreed to by them they will be carried into effect; if not agreed to such medical officers will be treated the same as other prisoners of war.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

GENERAL ORDERS, No. 39. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, February 14, 1862.*

I. Information having been received that certain judicial officers intrusted with the administration of the criminal laws and ordinances in this department have misunderstood the objects and purposes of the establishment of martial law in this city of Saint Louis, and in consequence of such misunderstanding have failed to enforce all those laws and ordinances, and as crimes and misdemeanors should at all times be strictly suppressed, it is hereby enjoined upon all such civil officers, whether as judges, attorneys, sheriffs, marshals, coroners, clerks, justices of the peace, presiding officers of police courts, constables or members of the police to strictly enforce all criminal laws and ordinances; to have arrested, tried and punished in the courts established in the State and in the manner prescribed by the laws of the State all persons guilty of any violation of such laws and ordinances in the same manner as if martial law had not been declared to exist.

II. And it is especially enjoined upon the judge of the Saint Louis criminal court to have a full complement of grand jurors at every sitting of the court; to strictly charge said grand jurors to diligently inquire into all crimes and misdemeanors under the laws of the State that may come to their knowledge and present for trial such offenders known to them. And the assistant circuit attorney for this county is particularly required to faithfully aid and assist the said grand jurors

and officers of said court in the discharge of their duties and to strictly perform all charges devolving upon him by the laws of the State.

III. By the establishment of martial law in the city of Saint Louis it is not designed to interfere with or suspend the operation of the laws and ordinances of the State or city with reference to crimes and misdemeanors nor the remedies and process of the civil courts except so far as the interests of the Government imperatively require. The civil authorities who attempt to interfere with the execution of military orders emanating from these headquarters will be punished for military offense but in all other cases it is their duty to enforce the laws and punish crimes and misdemeanors.

By order of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

SPRINGFIELD, [MO.], *February 16, 1862.*
(Via Lebanon.)

Major-General HALLECK.

SIR: General Curtis left here with the army yesterday morning; marched twenty-four miles yesterday. Has just sent me sixteen prisoners. Among them are Col. Thomas R. Freeman, Maj. D. D. Berry, jr., and General McBride [and] Capt. A. C. Dickinson, chief of engineers on Major-General Price's staff, and Capt. R. M. Donald, quartermaster. The surgeon and assistant surgeon of Colonel Gates' Confederate cavalry also taken. * * *

Respectfully,

JAS. K. MILLS,
Lieutenant-Colonel Twenty-fourth Missouri Volunteers, Comdg.

HEADQUARTERS OF THE ARMY,
Washington, February 17, 1862.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri.

GENERAL: I am directed by Major-General McClellan to inclose herewith an extract from the cartel between Great Britain and the United States in 1813 showing the relative value placed upon the different grades. The general desires this may be adopted as a basis in any exchange of prisoners which you may make in future.

I have the honor to be, very respectfully, your obedient servant,

ARTHUR McCLELLAN,
Captain and Aide-de-Camp.

[Inclosure.]

Rate of Exchange adopted in the Cartel between Great Britain and the United States, signed May 12, 1813.

General commanding in chief or admiral, 60 men; lieutenant-general or vice-admiral, 40 men; major-general or rear-admiral, 30 men; brigadier-general or commodore, with a broad pennant and a captain under him, 20 men; colonel or captain of a line-of-battle ship, 15 men; lieutenant-colonel or captain of a frigate, 10 men; major or commander of a sloop-of-war, bomb-ketch, fire-ship, or packet, 8 men; captain or lieu-

tenant or master, 6 men; lieutenant or master's mate, 4 men; sub-lieutenant or ensign, or midshipman, warrant officers, masters of merchant vessels and captains of private armed vessels, 3 men; non-commissioned officers or lieutenants and mates of private armed vessels, mates of merchant vessels and all petty officers of ships of war, 2 men; private soldiers or seamen, 1 man.

HEADQUARTERS,
Alton, Ill., February 21, 1862.

Capt. N. H. McLEAN,
Assistant Adjutant-General, Department of the Mississippi.

CAPTAIN: I respectfully recommend that the officers on parole be sent to some other place. I have reason to believe that their presence here exercises a bad influence on the men. I have allowed them to visit the men's quarters occasionally as I cannot well refuse them permission to do so, and there are so many of them here (fifty or more) that some of them are within the prison limits all the time nearly during the day. I think if they could be removed to some other place it would be a great benefit to us.

Very respectfully, your obedient servant,

S. BURBANK,
Lieutenant-Colonel Thirteenth Infantry, Commanding.

P. S.—Since writing the above I have determined not to allow any further visits of the officers to the men, having good reason to believe some of them have made an improper use of the privilege of doing so.

S. B.

PLANTERS' HOUSE, *February 21, 1862.*

Major-General HALLECK.

GENERAL: Permit me to add to the few words I spoke to you the other day in respect to Brigadier-General Price a word or two in writing, which you may place upon the files or not according to your own discretion. Having known both his father and himself intimately and well I have the most undoubting confidence that he will redeem to the letter all I thus assume to write in his name. He makes the point that if he is exchanged he must almost necessarily go back to the army and this he is really averse to doing. He argues (on the contrary) that if he is paroled on his honor and allowed to go home that his conceptions of honor would of course prevent him from disserving the Government of the United States in any imaginable degree (directly or even indirectly), and that he would feel at liberty to resign his commission (as he would do) almost directly.

So of Surgeon Cross who was present and a party to both our conversations—the one when they called on me before I came to you and the other when I subsequently called on them. As the homes of both these prisoners are within our lines and where I believe everything is in our power may their cases not be a little different from some others?

My own judgment is most decided and emphatic that if such a course be permissible in any case it will be even judicious (as well as magnanimous) to accord it in this case.

I scarcely feel permitted to repeat what the sentiments of both of them are toward Jackson and his supporters, particularily since his scheming has virtually superseded Major-General Price; but I would trust my head on it that they would discourage and depress the cause of the rebellion more during the next ten days could they be at home than even a company of sharpshooters could do. Of course I am as well satisfied as it is possible to be upon such a subject that they are both forever done with the rebellion and that they will not only appreciate your clemency and protection at its intrinsic value but bring hundreds to a like appreciation and determination with themselves.

Pardon me, general, if writing thus earnestly I have written in any sense amiss. I have some business matters which it was my purpose to bring to your notice while I was here but in the midst of such employments and congratulations as at present occupy you I will postpone them until I can write you from home.

With great respect, your friend and servant,

JAMES H. BIRCH.

HEADQUARTERS MISSOURI STATE GUARD,
Camp at Cove Creek, Ark., February 23, 1862.

Maj. Gen. D. HUNTER.

GENERAL: I am instructed by Maj. Gen. S. Price to propose the exchange of officers as follows, taken by Colonel Deitzler in La Fayette County, to-wit: Capt. Up. B. Winsor, Company H, Second Infantry, Eighth Division; Capt. J. R. Barnett, Company H, Second Infantry, Eighth Division. He will exchange rank for rank or one of a higher for two of a lower rank. Should you accept the proposition you will furnish these officers with a safe conduct to the headquarters of this army when an equivalent therefor will be promptly given you.

I am, general, very respectfully, your obedient servant,

W. H. BRAND,
Assistant Adjutant-General.

[Not received by General Hunter he having left the Department of Kansas.]

ATTORNEY-GENERAL'S OFFICE,
February 26, 1862.

JAMES O. BROADHEAD, Esq.,
U. S. District Attorney, Saint Louis, Mo.

SIR: I have received two letters* from General N. W. Watkins (dated I think at New Madrid) in which he complained bitterly of harsh treatment by our people and protests strongly his innocence of any crime against the United States and any forcible opposition against the Government. He complains that his property to a large amount negroes, horses, mules, wagons, &c., are taken from his plantations and are used or destroyed by our army at Cape Girardeau. He gave as a reason for remaining at New Madrid that he was afraid of being

* Not found.

imprisoned (not tried, for that he says he does not fear, being innocent) if within our reach. I have for many years had a very friendly feeling for General Watkins and I mourned over the weakness of heart which led him to favor (without understanding as I suppose) the first criminal movements of the insurgents in Missouri. I still have a very kindly feeling for him and hope that he may be dealt with as leniently as the state of his case will permit. I do not know whether he has been indicted upon any criminal charge but from a passage in one of his letters I infer that he has been. You will oblige me by furnishing the requisite information—all you know about him in connection with the rebellion and especially his present status before the tribunals, civil and military. I at first thought of writing to General Halleck upon the subject but upon reflection thought it more proper officially to write to you. I still wish to befriend General Watkins as far as I can properly do it and in that spirit I solicit an early answer.

Most respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

GENERAL ORDERS, No. 50. } HDQRS. DEPARTMENT OF THE MISSOURI,
Saint Louis, February 28, 1862.

I. Where any considerable number of prisoners of war are captured the officers should be separated as soon as possible from the privates. Complete lists should be made as soon as practicable stating name, rank, regiment and corps of each individual; one copy of such list should be sent to these headquarters and another furnished to the officer placed in charge of them. When turned over to the commanding officer of a depot they should be receipted for and a copy of the receipt sent to these headquarters. As a general rule officers will not be given their paroles until they reach the depot and then only by authority of the general commanding the department. Medical officers will not be separated from the prisoners but will be required to attend their own sick and wounded. For this purpose they will be given a special parole allowing them all proper facilities.

II. In the care of the sick and wounded no distinction whatever will be made between friends and foes. Presents from friends to the sick and wounded prisoners in hospitals will therefore be distributed to all alike under the direction of the chief medical officer.

III. Prisoners will be rationed the same as our own troops. The commanding officers of prison depots will appoint boards including one surgeon of the command to examine and decide what articles of clothing and bedding are necessary for the health and proper cleanliness of the prisoners where not supplied by their own Government or friends, and requisitions will be made on the quartermaster's department for such articles as may be needed. Where it can be done clothing not of army color will be issued. Receipts should be given for all articles the same as in case of our enlisted men; the issue in all cases to be witnessed by a commissioned officer.

IV. For police purposes prisoners will be divided into squads and a chief of each squad appointed or elected as may be deemed best. Officers will be detailed to see that the prisoners police their quarters daily in a thorough manner; those refusing to do so will be placed in close confinement until they are willing to do their duty to themselves

in this matter. They will also see that the prisoners are cleanly in their persons; that their bedding is properly aired, and that their rations are properly cooked and of good quality.

V. The commanding officers of depots will receive and distribute any articles of clothing or comfort which may be sent to the prisoners by their friends and will permit them to receive from and transmit to their friends open letters which must be inspected by a proper officer. Receipts must be signed for all articles delivered and filed as evidence of such delivery. Money sent by friends should not be delivered to prisoners except in small quantities. An account should be kept of all such funds and they should be disbursed upon orders from the prisoners to whom they belong. When a prisoner is exchanged or released he will be paid the balance due him.

VI. Their chaplains will be allowed free intercourse with the prisoners to give them religious instruction. Those who may die will be decently buried in the usual burying-grounds and a proper mark be affixed to the graves. Every measure will be adopted to ensure the safe custody of the prisoners, but at the same time they should receive such treatment as enlightened humanity prompts and the circumstances of the case permit. Their friends will be permitted to visit them only when the commanding officer may deem it safe and proper and then under such regulations as he may adopt.

VII. Monthly reports must be made to these headquarters with full lists of the prisoners, noting all changes during the month—whether exchanged, released on parole, died, discharged, &c.

VIII. Special instructions with regard to the military prison at Alton have been given to the commanding officer at that post.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

SAINT LOUIS, *March 1, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington.

GENERAL: I inclose herewith a letter* from Colonel Mulligan. If recruiting is allowable from prisoners of war a considerable number can be obtained in a short time. Please answer.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, March 1, 1862.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri, Saint Louis.

GENERAL: The board of assessment organized pursuant to General Orders, No. 24, series of 1861,† from your headquarters, and further organized pursuant to Special Orders, No. 18, current series, for the

* Not found.
† See p. 150.

purpose of laying an assessment of $10,000 upon the friends of the enemy for the benefit of the refugees driven by the rebels from Southwest Missouri beg leave respectfully to present this their final report:

Total amount of assessments laid		$16,340.00
Total assessments remitted	$3,715.00	
Total assessments "no property found"	2,000.00	
		5,715.00
Net assessments		10,625.00
Total penalties for failure to pay		1,262.50
Balance		11,887.50

The amount thus assessed has been for the use of the refugees or by voluntary and forced payments of money, &c., as follows:

Provisions	$1,500.00
Voluntary payments in cash	2,850.00
Forced payments by sales	6,563.45
Deficiencies not collected or collectible	974.05
Balance	11,887.50

Of the amount thus raised the provisions have been turned over to the authorized agents of the Western Sanitary Commission for distribution and the cash realized has been deposited with the assistant treasurer of the United States at Saint Louis to the credit of the provost-marshal-general, from which is drawn from time to time the necessary means to meet the bills contracted by and certified to by the said agents. As to the details of such expenditures the board respectfully refer you to the commission. Gross assessments amounted to a considerable sum above the $10,000 ordered to be raised, but the board found it necessary to adopt such a course in order to realize the $10,000 after deducting such assessments as ought properly to be remitted and making allowances for such defaulters as had no ostensible means from which to make the amount by levy and sale. The board therefore respectfully request that a special order may be made covering the entire assessment, legalizing the acts of the board and discharging them from further duty in connection with the matter.

BERNARD G. FARRAR,
Provost-Marshal-General.

GENERAL ORDERS, No. 51. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, March 3, 1862.*

By direction of Major-General McClellan the following tariff of exchange of prisoners of war adopted between the United States and Great Britain in the war of 1812 is substituted for that given in General Orders, No. 30, current series:

General commanding in chief or admiral, sixty men.

Lieutenant-general or vice-admiral, forty men.

Major-general or rear-admiral, thirty men.

Brigadier-general or commodore, with a broad pennant and a captain under him, twenty men.

Colonel or captain of a line-of-battle ship, fifteen men.

Lieutenant-colonel or captain of a frigate, ten men.

Major or commander of a sloop-of-war, bomb-ketch, fire-ship, or packet, eight men.

Captain or lieutenant or master, six men.

Lieutenant or master's mate, four men.

Sub-lieutenant or ensign, or midshipmen, warrant officers, masters of merchant vessels and captains of private armed vessels, three men.

Non-commissioned officers or lieutenants and mates of private armed vessels, mates of merchant vessels and all petty officers of ships of war, two men.

Private soldiers or seamen, one man.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

INDIANAPOLIS, *March 4, 1862.*

Major-General HALLECK:

A number of prisoners propose to take the oath of allegiance and enlist in our regiments. A large number from Tennessee ask to take the oath of allegiance and be discharged on parole. What will you have done?

O. P. MORTON,
Governor of Indiana.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, March 4, 1862.

Col. J. A. MULLIGAN, *Camp Douglas, Chicago:*

The question of enlisting prisoners of war has been submitted to General McClellan and I await his answer.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, March 7, 1862.

Col. S. H. BOYD,
Twenty-fourth Regiment Missouri Vols., Comdg. Post at Rolla.

SIR: I have the honor to acknowledge the receipt of communications dated the 1st of March forwarded by Col. J. B. Wyman, and one of the 5th instant forwarded by you, in relation to an exchange of prisoners of war agreed upon by Lieutenant-Colonel Wood, Sixth Missouri Cavalry, and Colonel Coleman, of the Confederate Army, which agreement proposes the exchange of John W. Carlin, Company A [G], and Martin G. Skaggs, Company E [K], Sixth Missouri Cavalry, for Silas Hendrick and John F. Downing, of Coleman's regiment, Confederate Army.

The major-general commanding directs that the exchange will be made. Brig. Gen. J. M. Schofield, commanding District of Saint Louis, will send the two men—Skaggs and Downing—with a suitable escort to Rolla.

Very respectfully, your obedient servant,

N. H. McLEAN,
Assistant Adjutant-General.

POCAHONTAS, *March 8, 1862.*

Col. W. P. CARLIN, U. S. Army,
Commandant, Ironton, Mo.

COLONEL: Upon my arrival here last evening I was mortified and grieved to learn of the misunderstanding or misconduct of Captain Higdon of the Third Regiment Missouri State Guard. You have seen enough of the man to know his measure, but at the same time I must assure you that had I known the facts in the case he would not have had the opportunity to place us in such an awkward position.

I really believe, however, colonel, that Higdon honestly believed himself to be exchanged, for if I remember aright (not having my letter-book with me) I wrote to you in answer to the communication by Higdon that I had written to General Halleck proposing a general exchange. This letter was sent through Colonel Ross at Cape Girardeau. And upon my return from Richmond last month I found your communication through Captain Elliott which I immediately answered, inclosing a general order releasing all captured by me on the Iron Mountain Railroad. This last letter I sent through General Polk by flag of truce to Cairo.

From these various communications Higdon has been either led to believe that he has been exchanged or he has cowardly shrunk from performing a sacred duty and should be held responsible; but, colonel, as he asserts so positively his innocent intentions, as he is suffering so severely from a broken arm (recently broken) and as he is hardly worth making an example of I have thought I would not send him up until I hear from you again, when if you desire him you shall have him if he can be found in the Confederacy.

I wrote to Colonel Ross some weeks ago to know in what light you hold the disbanded soldiers of the Missouri State Guard who have been taken prisoners—whether as citizens or as soldiers—but have received no answer. I would be pleased to hear from you on the subject. Any communication addressed to me at this place, or Bloomfield or New Madrid, at your convenience, will reach me, as I will vibrate for a week or two.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Missouri State Guard.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, March 8, 1862.

Major HUNT, *Hannibal, Mo.*

MAJOR: Herewith you will find a special order* for arrest of certain parties in Ralls County. Have them brought before you and if you see proper parole them with the liberty of your city. General Halleck's order punishes all such parties. I would suggest that it is only desirable to get all secessionists or sympathizers out of office and place, and if they will resign and allow the governor to fill their places with loyal men they might avoid or avert the punishment for their violation of the order of General Halleck. The sheriff of Ralls County ought to be got rid of. The papers I have do not give his name. I will refer the matter of declaring the offices vacant to the governor. It is desirable and you are instructed to exercise your own judgment and discretion in the arrest and release of prisoners.

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*Not found.

As a general rule release those who are not guilty of irregular warfare or other violations of rules of war, burning bridges, &c., upon taking oath and giving bond with good security. Such as are clearly guilty of robbing and other offenses against law where the evidence is clear, turn them over to the officers of the law and make them do their duty. Do not hesitate to assume any responsibility your judgment may dictate as necessary to thwart any plan of secessionists or to wrest from them any power they have civil or otherwise. They have first discarded law and have appealed to force. It is now purely a question of power not one of law. Do not hesitate to seize and hold their property. Where there is no law there is no property. If they deny the power of the Government they are without law and let them feel the consequences. We cannot temporize with them. Your extensive acquaintance will enable you to get at the facts in regard to the disloyal people in your section and enable you to dispose of them in the manner best calculated to produce good results.

Very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

SAINT LOUIS, MO., *March 10, 1862.*

Col. JAMES A. MULLIGAN, *Chicago, Ill.*

COLONEL: As the War Department does not answer my letter in relation to your enlisting prisoners of war I shall take the responsibility of authorizing you to immediately fill up your regiments in that way. Great caution, however, must be used as to the character of the persons so enlisted. You should make yourself personally acquainted with the history of each recruit received and exercise a sound discretion in the matter. The recruits should be sent to Benton Barracks where the regiment will be prepared for the field in Arkansas. I do not think it would be advisable to send them to Tennessee or Mississippi. In Arkansas they will meet none of their old associates.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

SAINT LOUIS, MO., *March 15, 1862.*

Col. JAMES A. MULLIGAN, *Chicago, Ill.*

COLONEL: I have just received instructions from the War Department not to permit the enlistment of prisoners of war. You will be governed by these instructions.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, March 18, 1862.

Brig. Gen. FRED. STEELE,
Commanding District of Southeast Missouri, Pilot Knob.

GENERAL: In reply to your letter of the 14th instant I have the honor to inclose herewith copies of General Orders, [Nos.] 30 and 51, current series, from these headquarters, the latter giving the tariff of

exchange of prisoners of war to be substituted for that given in the former. I am instructed by the major-general commanding to say that complying with the requirements of said orders you are authorized to make actual personal exchanges; that where the enemy returns prisoners within our lines you will return within his lines the prescribed number of the proper grade. Where you have not the prisoners to return they will on your application be furnished from here.

Very respectfully, your obedient servant,

N. H. McLEAN,
Assistant Adjutant-General.

HEADQUARTERS,
Cape Girardeau, Mo., March 24, 1862.

Brig. Gen. J. M. SCHOFIELD,
Commanding Missouri State Militia, Saint Louis, Mo.

SIR: Since my last I have to report that in and immediately around Cape Girardeau is quiet and peaceable. In the large scope of country including Bollinger, Scott, Stoddard and Dunklin and a portion of Cape Girardeau Counties small bands of secessionists are moving about committing depredations. There are seven men belonging to my battalion who were absent on sick leave and were captured by these men, who seem to be still under command of M. Jeff. Thompson. One of the seven was killed while resisting. One of the prisoners has been returned with a letter* from M. Jeff. Thompson which I herewith inclose. Owing to a circumstance which I will hereafter report I cannot comply with the request made in said letter but there are fourteen commissioned officers who are on their parole of honor, and I have written to the commanding officer stating that I would release two captains and two lieutenants for the seven men that they have belonging to me.

You will see by the inclosed letter that Brig. Gen. M. Jeff. Thompson is still in command of a body of troops. The man who brought the letter says he saw and spoke to him twenty-five miles below Bloomfield. He could not ascertain the amount of force under him but I should suppose from the locality in which he was found and other circumstances he may have about 1,000 men. Should exigency require it will I telegraph to your headquarters for help, or will I send down to General Strong at Cairo?

I have to report also that nine prisoners confined in guard-house escaped on the night of 23d instant by means of a rope which had been used to tie an unruly soldier and was improperly left in the room. I have a detail of men in pursuit.

I am, sir, respectfully, your obedient servant,

LINDSAY MURDOCH,
Captain, Missouri State Militia, Commanding Post.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, March 25, 1862.

COMMANDING OFFICER, *Glasgow, Mo.:*

It has been brought to the knowledge of the commanding general that one Caples, a prisoner on parole, whose teachings and example has been productive of much trouble in Chariton, Saline and Howard

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* Not found.

Counties has appointed to preach at Glasgow on the 29th and 30th instant. The mischief wrought by this man has been so great and so fully proven to me that in the absence of any order on the subject from headquarters I cannot hesitate to do what I feel to be a duty to the Government and to exercise a right with which my office invests me. In the absence of any local provost-marshal at Glasgow to whom I would address a formal order on the subject I have to request you to inform Mr. Caples that I forbid his exercising in any manner the functions of a preacher or public speaker in the counties of Saline, Chariton and Howard until further orders. This he will regard as an order any violation of which will incur the penalties of resistance to military orders on his part. I have abundance of evidence that the peace and well-being of that section of country requires this course toward Mr. Caples and hope you will concur in this view and enforce obedience on his part to this order.

I am, very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

HEADQUARTERS FIRST DIVISION, ARMY OF THE WEST,
Van Buren, March 26, 1862.

Major-General HALLECK,
Commanding Department of the Mississippi.

GENERAL: I desire to call your attention very respectfully to the fact that whilst I forthwith released upon their paroles and oaths more than 3,500 officers and men who were taken prisoners by me at Lexington you hold a large number of the officers and men of the Missouri State Guard and many citizens of Missouri in close confinement at Saint Louis, Alton and elsewhere, and that the men thus held by you are suffering greatly by reason of such unjust confinement.

I hope, general, that you will be pleased to imitate the example which I furnished so long ago, and have the honor to be, most respectfully, your obedient servant,

STERLING PRICE,
Major-General, Commanding First Division, Army of the West.

SAINT LOUIS, MO., *March 28, 1862.*

Capt. H. H. HEATH, *Provost-Marshal, Clinton, Mo.*

CAPTAIN: As a general rule you will require all persons who have been in arms against the Government of the United States to take the oath and give a bond for $1,000. This rule applies only to those who have been in regular service. Such as have been guilty of irregular or illegal warfare you will hold for trial before a military commission, sending copy of evidence in each case to this office. Those who have a pass from provost-marshal at Springfield will not be detained. I presume he only gives such passes in cases where the party has complied with usual terms for returning to his allegiance.

In all things not governed by general orders exercise your own discretion after obtaining all the facts. In such cases your opportunities to know and judge of the circumstances of each case will better enable you to decide than I possibly could.

Very respectfully, your obedient servant,

B. G. FARRAR,
Provost-Marshal-General.

GENERAL ORDERS, No. 13. } HDQRS. DEPARTMENT OF THE MISSISSIPPI, *Saint Louis, March 30, 1862.*

I. Commanders of army corps, divisions and brigades and of military districts where their commands are equal to a brigade are authorized to order military commissions to try offenses against the laws of war which are not triable by general court-martial. But all sentences of such commissions extending to loss of life, or confiscation of property, or imprisonment exceeding the term of thirty days must be confirmed by the commanding general of the department.

II. The attention of all such commanders and of all officers of military commissions is called to General Orders, No. 1, of 1862, Department of the Missouri, in relation to the powers and duties of commissions as distinguished from courts-martial.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

SAINT LOUIS, *April 3, 1862.*

WILLIAM M. McPHERSON, Esq., *Saint Louis, Mo.*

SIR: Your letter of this date is received.* In answer to your inquiries I have to state that persons in arms against the United States under General Price can be received only as prisoners of war and that they will be treated in the same kind and lenient manner as others have been who are willing to abandon a hopeless and unholy cause, take the prescribed oath of allegiance and give satisfactory security for their future good conduct.

Any one who voluntarily takes the oath and gives his parole of honor and afterward violates it by aiding or abetting the enemy will most certainly be executed. A man who violates his military parole commits the most serious of all military offenses and I will pardon no one who is guilty of that crime.

In regard to the wife of the reverend captain chaplain in General Price's army who wishes permission to visit her husband please inform her that no such permission can be granted. Nearly all the secessionists of this State who have entered the rebel service have left their wives and daughters to the care of the Federal troops. There is scarcely a single instance where this confidence has been abused by us. But what return have these ladies made for this protection? In many cases they have acted as spies and informers for the enemy and have been most loud-mouthed in their abuse of our cause and most insulting in their conduct toward those who support it. Under any other government they would for such conduct be expelled from the country or confined within the walls of a prison.

I am well aware that some good Union men in the interior of the State think that those now serving the rebel cause under General Price should be permitted to return to their homes without being considered prisoners of war or when taken prisoners of war that they should be released simply on promise of future good conduct. Experience has satisfied me that such a course would neither be wise nor safe. Indeed I find that the very persons who advocate a more lenient policy toward

* Not found.

returned secessionists are also continually petitioning to have additional troops sent to their counties to protect them from the operations of these same rebels.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

ATTORNEY-GENERAL'S OFFICE,
April 16, 1862.

JAMES O. BROADHEAD,
U. S. District Attorney, Saint Louis, Mo.

SIR: Since writing you yesterday I received yours* of the 12th asking for official assistance. Certainly you must have the needful aid and I shall take your judgment of the necessity. Your assistant must be a capable, good lawyer or he will be of little use. Name your man therefore and I will allow a fair and liberal compensation, avoiding alike extravagance and meanness. From my letter of yesterday I think you will understand the drift of my policy in the matter of prosecutions. I would use indictments for treason sparingly especially against small men. There are some magnates, however, who are not now in the State and may never be there again against whom a pending indictment for treason might be made useful in the future. Such (for instance only) as Generals Polk and Pillow, of Tennessee; Pike, of Arkansas; Van Dorn, Clark, Parsons, Reid, &c., of Missouri; of course not forgetting Price, Jackson, and Thompson. When the war is mainly over it may be a good thing to have that hold upon them wherever they may then be.

Very respectfully,

EDWARD BATES.

WAR DEPARTMENT,
Washington City, D. C., May 27, 1862.

General SCHOFIELD, *Commanding, Saint Louis:*

The President has received information that Washington Adams and Andrew Adams, of Boonville, have been arrested and are held in custody by the provost-marshal of Boonville without any sufficient cause. He desires that they be released if there be no sufficient cause to the contrary, and if they be not released that the cause for holding them in custody or requiring them to give bonds be communicated immediately to this Department. Your prompt attention to this subject is requested

EDWIN M. STANTON,
Secretary of War.

CONFEDERATE CORRESPONDENCE.

SAINT LOUIS, MO., *May 5, 1861.*

General S. PRICE, *Commanding State Militia.*

DEAR SIR: I leave this city on Friday next with several men. You may need our services in Jefferson City; if so Missouri holds on me the first claim, consequently I tender you that service.

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* Not found.

Information from a reliable source forces the conviction upon me that the agreement entered into by General Harney and yourself is at present null and void. Preparations are now being made for a crusade on Missouri. To defend her laws and liberties I pledge you the force under my control.

Being strangers to each other any instructions you may desire to convey to me touching the matter you can send to any of your friends who will find me at the Everett House in this city.

Very respectfully, your obedient servant,

WM. H. KIDD.

HEADQUARTERS McCULLOCH'S BRIGADE,
Camp on Buffalo Creek, Mo., July 5, 1861.

Hon. L. P. WALKER, *Secretary of War.*

SIR: I have the honor to transmit the inclosed report detailing an account of the taking of the town of Neosho, Mo., by a part of my brigade and of the surrender to them of eighty men with their arms, &c. I am now within about twenty-five miles of the governor of the State who I learn has been fighting his way to me during the day. I will push a portion of my force (now nearly 4,000 men) as near to him as possible to-morrow and do all in my power to relieve him. It will depend upon his fate what my future movements may be. My great object in coming into the State has been to relieve the governor and the force under him. I will again inform you of my whereabouts in the course of a few days.

I have the honor to be, sir, your obedient servant,

BEN. McCULLOCH,
Brigadier-General, Commanding.

[Inclosure.]

HEADQUARTERS McCULLOCH'S BRIGADE,
Camp at Barlin's Mill, July 5, 1861.

Brig. Gen. BEN. McCULLOCH,
Commanding Brigade, Camp on Buffalo Creek, Mo.

GENERAL: I have the honor to inform you that in obedience to your orders I started at 11 a. m. to-day with four companies of Colonel Churchill's regiment of Arkansas Mounted Riflemen and Captain Carroll's company of Arkansas State troops to make an attack upon some Federal troops at Neosho, Mo., in conjunction with Colonel Churchill, commanding six companies of his regiment. We started on different roads which entered the town—one from the west, the other from the south—with an arrangement to make the march of sixteen miles in four hours and upon entering the town to make a simultaneous attack. I found that the distance was not so much as stated. It would therefore be necessary for me to have waited near the town an hour, and fearing that information would be carried into town to the enemy I determined to attack at once and made my arrangements accordingly. I dismounted the four companies of Churchill's regiment about a quarter of a mile of the town and marched them by platoon at double-quick within 200 yards of the court-house, where we found a company eighty strong. I sent Captain Carroll with his company to make a détour and to take them in rear.

After halting my command I sent Doctor Armstrong, volunteer aide-de-camp, to demand a surrender of the forces. I allowed them ten minutes to decide. At the end of the time the captain in command made an unconditional surrender of the company, laying down their arms and side-arms. We took 100 rifles with saber bayonets, a quantity of ammunition and a train of seven wagons loaded with provisions. Colonel Churchill came up in good time with his command and made an imposing sight with his mounted riflemen.

The officers and men did everything in their power to make the movement as prompt as possible, and they marched up to within a short distance of a force whose numbers were unknown with a step as regular and a front as unbroken as a body of veterans.

I have the honor to be, general, your obedient servant,

JAMES McINTOSH,
Captain, C. S. Army, and Adjutant-General.

HEADQUARTERS McCULLOCH'S BRIGADE,
Camp Jackson, Ark., July 9, 1861.

Hon. L. P. WALKER, *Secretary of War, Richmond, Va.*

SIR:

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On the 5th instant I found from authentic information that if the governor was to be rescued by my command it was necessary to move with more celerity than the infantry and artillery could march. I therefore moved on with about 3,000 cavalry leaving the infantry and artillery in camp twenty-eight miles north of this camp. Upon arriving within twelve miles of Neosho I ascertained that the force had already left that place and marched north against the governor leaving a detachment in Neosho between 100 and 300 men. I immediately sent two columns of cavalry on different roads to capture the detachment—one column of six companies under Colonel Churchill, and another under Captain McIntosh of five companies. The movement was entirely successful and 137 prisoners fell into my hands, with 150 stand of arms, 1 color, 7 wagons (loaded with subsistence stores) and an ambulance. In the hurry of reporting this affair I made the amount of property and prisoners captured less than it actually was. * * *

I have the honor to be, sir, your obedient servant,

BEN. McCULLOCH,
Brigadier-General, Commanding.

PROCLAMATION.

JEFFERSON CITY, *August 20, 1861.*

TO THE PEOPLE OF MISSOURI:

FELLOW-CITIZENS: The army under my command has been organized under the laws of the State for the protection of your homes and firesides and for the maintenance of the rights, dignity and honor of Missouri.

It is kept in the field for these purposes alone, and to aid in accomplishing them our gallant Southern brethren have come into our State with these. We have achieved a glorious victory* over the foe, and

* Probably has reference to the battle of Wilson's Creek, August 10, 1861. See Series I, Vol. III, pp. 54-130, for official reports of this action.

scattered far and wide the well-appointed army which the usurper at Washington has been more than six months gathering for your subjugation and enslavement.

This victory frees a large portion of the State from the powers of the invaders and restores it to the protection of its army. It consequently becomes my duty to assure you that it is my firm determination to protect every peaceable citizen in the full enjoyment of all his right whatever may have been his sympathies in the present unhappy struggle, if he has not taken an active part in the cruel warfare which has been waged against the good people of this State by the ruthless enemies whom we have just defeated.

I therefore invite all good citizens to return to their homes and the practice of their ordinary avocations with the full assurance that they, their families, their homes and their property shall be carefully protected. I at the same time warn all evil-disposed persons who may support the usurpations of any one claiming to be provisional or temporary governor of Missouri or who shall in any other way give aid or comfort to the enemy that they will be held as enemies and treated accordingly.

STERLING PRICE,
Major-General, Commanding Missouri State Guard.

PROCLAMATION.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
Camp Hunter, September 2, 1861.

TO WHOM IT MAY CONCERN:

Whereas, Maj. Gen. John C. Frémont, commanding the minions of Abraham Lincoln in the State of Missouri, has seen fit to declare martial law* throughout the whole State and has threatened to shoot any citizen soldier found in arms within certain limits, also to confiscate the property and free the negroes belonging to the members of the Missouri State Guard: therefore, know ye that I, M. Jeff. Thompson, brigadier-general of the First Military District of Missouri, having not only the military authority of brigadier-general but certain police powers granted by Acting Governor Thomas C. Reynolds and confirmed afterward by Governor Jackson do most solemnly promise that for every member of the Missouri State Guard or soldier of our allies the armies of the Confederate States who shall be put to death in pursuance of said order of General Frémont I will hang, draw and quarter a minion of said Abraham Lincoln.

While I am anxious that this unfortunate war shall be conducted if possible upon the most liberal principles of civilized warfare and every order that I have issued has been with that object yet if this rule is to be adopted (and it must first be done by our enemies) I intend to exceed General Frémont in his excesses and will make all tories that come in my reach rue the day that a different policy was adopted by their leaders. Already mills, barns, warehouses and other private property have been wastefully and wantonly destroyed by the enemy in this district while we have taken nothing except articles strictly contraband or absolutely necessary. Should these things be repeated I will retaliate ten-fold, so help me God.

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

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* See Frémont's Proclamation, p. 221.

HEADQUARTERS MISSOURI STATE GUARD,
Camp Wallace, Lexington, Mo., September 21, 1861.

Hon. C. F. JACKSON,
Governor of the State of Missouri:

I have the honor to submit to Your Excellency the following report of the action which terminated on the 20th instant with the surrender of the U. S. forces and property at this place to the army under my command:

After chastising the marauding armies of Lane and Montgomery and driving them out of the State and after compelling them to abandon Fort Scott as detailed in my last report I continued my march toward this point with an army increasing hourly in numbers and enthusiasm.

* * * * * * *

After 2 o'clock in the afternoon of the 20th and after fifty-two hours of continuous firing a white flag was displayed by the enemy on that part of the works nearest to Colonel Green's position, and shortly afterward another was displayed opposite to Colonel Rives'. I immediately ordered a cessation of all firing on our part and sent forward one of my staff officers to ascertain the object of the flag and to open negotiations with the enemy, if such should be their desire. It was finally after some delay agreed by Colonel Marshall and the officers associated with him for that purpose by Colonel Mulligan that the United States forces should lay down their arms and surrender themselves as prisoners of war to this army. These terms having been made known were ratified by me and immediately carried into effect.

Our entire loss in this series of engagements amounts to 25 killed and 72 wounded. The enemy's loss was much greater.

The visible fruits of this almost bloodless victory are very great—about 3,500 prisoners, among whom are Colonels Mulligan, Marshall, Peabody, White and Grover, Major Van Horn, and 118 other commissioned officers, 5 pieces of artillery and 2 mortars, over 3,000 stand of infantry arms, a large number of sabers, about 750 horses, many sets of cavalry equipments, wagons, teams, and ammunition, more than $100,000 worth of commissary stores and a large amount of other property. In addition to all this I obtained the restoration of the great seal of the State and the public records which had been stolen from their proper custodian, and about $900,000 in money of which the bank at this place had been robbed and which I have caused to be returned to it.

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I have the honor to be, with the greatest respect, Your Excellency's obedient servant,

STERLING PRICE,
Major-General, Commanding.

HEADQUARTERS,
Memphis, Tenn., November 17, 1861.

Col. W. W. MACKALL,
Assistant Adjutant-General.

COLONEL: I have the honor to report the arrival on November 15, 1861, from Columbus of 99 prisoners taken at the battle of Belmont on 7th of November. There are 93 privates, 4 commissioned officers, 1 orderly sergeant and 1 wagon-master. They were brought to Mem-

phis on steamer Ingomar, under command of Captain Dresden's company Louisiana volunteers. Upon their arrival they were taken charge of by me and marched in order to a large cotton warehouse which had been selected the day previous. The owner of the cotton warehouse objects so much to their occupying his house that I have determined to move them as soon as possible to a more convenient and equally secure place. They will have ample room as the building has a large yard, surrounded by high, thick walls. There is a guard of twenty-four privates, two commissioned officers and three non-commissioned officers, all taken from the home guard, relieved every twenty-four hours.

It will be my endeavor to make them as comfortable as possible. Rations will be furnished by the Government for their subsistence, doing their own cooking. A servant will be supplied to wait on the officers. There are now three companies of home guard organized as a guard, members of which all have families and subsist themselves. What will they be allowed for their services? A great many of them depend upon their labor for a support.

I am, colonel, very respectfully,

JOHN ADAMS,
Captain of Cavalry, C. S. Army, Commanding Post.

Statement of Dr. William W. Griswold, of Warren County, Mo.

I entered into the service of the medical department of the Missouri State Guard on the 14th of August, 1861, as an assistant surgeon in the hospital located in the brick female seminary at Springfield, Mo., in which were placed the wounded of two brigades of the Eighth Division of the Missouri State Guard. I assisted there until General Rains moved. I left with the division. At Stockton the general desired a courier northward; wishing to go to Henry County I volunteered my services, which were accepted.

I rejoined the army ere the battle of Dry Wood and assisted in attending to the wounded on that day. When the army moved on Lexington I was detailed (by Doctor Taylor, the brigade surgeon) to take charge of the wounded and remove them to Greenfield, in Dade County, Mo., with orders to there establish a hospital. On my arrival at that place with the wounded I found a hospital already established, to which was attached a surgeon. I turned my patients over to him and returned to the army at Lexington. Again occupied my former position and attended the sick of the brigade. I stayed with the army until it crossed the Osage on its retreat. The army needing medicines which we could not procure in Southwest Missouri, and Colonel Boone wishing me to go with him to the north side of the Missouri River I obtained permission to go. Doctor Snodgrass, surgeon-general, however, ordered me to purchase all of certain articles of medicine then needed that I could get and send to the army.

Colonel Boone not succeeding in organizing the men he expected to I again returned to the army which was then near Greenfield, in Dade County. Colonel Boone received fresh orders and I was requested to attend him for the purpose of taking charge of the medical direction of the troops expected to be raised by him and assist in bringing them to the main army, my intimate knowledge with the country being of service to Colonel Boone.

I arrived in Callaway County in November, 1861. Assisted in organizing several companies. Moved east into Warren County for the same purpose in December. Was there taken sick and by the time I was in condition to travel my retreat was cut off by the Federal troops. I lay in the woods and out-of-the-way places during the balance of the winter. The 1st of April started again to make my way to the army.

On the 2d after traveling a few miles I was taken with the ague, and whilst sick surrounded and taken by the State militia from Danville, Montgomery County; taken to that place; incarcerated in a cell and ironed; taken out three times per day and paraded as a spectacle—a notorious and infamous secessionist. After keeping me in irons for a week or so the irons were taken off but I was kept confined in the cell until my removal to Mexico, Audrain County. There I was kept for five or six weeks. At the end of that time the farce of a trial was gone through with. I was not allowed any witness neither was I permitted to ask any question of theirs that would tend to invalidate their testimony. Nevertheless the commission could find nothing against me. I not being permitted witnesses that I desired refused to make any statement.

On my arrival in Saint Louis I there found officers who were with me in the army and by whom I could establish my position. I then wrote to the provost-marshal-general of the District of Missouri demanding an unconditional release as a surgeon of the Missouri State Guard. After a week or two his assistant sent for me. I reiterated my demand and offered to produce the evidence. He remanded me to prison. I then wrote to General Schofield twice, then to Washington City, then to the assistant provost-marshal-general at Saint Louis. The assistant requested me to send my evidence. I sent him my certificates which he retains and refuses to return. I have written to him three times for them but cannot get them. I was transferred from Saint Louis to Alton.

At each and every prison at which I have been confined I have been compelled to attend to the sick. At this place I have the choice of a cell or attention to the sick and wounded.

Yours, respectfully,

WM. W. GRISWOLD,
Of Warren County, Mo.

Union Methods of Dealing with Guerrillas and the Lawless Elements of Missouri.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 27, 1861.

Brig. Gen. W. S. HARNEY,
Commanding Department of the West, Saint Louis, Mo.

SIR: The President observes with concern notwithstanding the pledge of the State authorities to co-operate in preserving peace in Missouri that loyal citizens in great numbers continue to be driven from their homes. It is immaterial whether these outrages continue from inability or indisposition on the part of the State authorities to prevent them. It is enough that they continue to devolve on you the duty of putting a stop to them summarily by the force under your command to be aided by such troops as you may require from Kansas, Iowa and

Illinois. The professions of loyalty to the Union by the State authorities of Missouri are not to be relied upon. They have already falsified their professions too often and are too far committed to secession to be entitled to your confidence, and you can only be sure of their desisting from their wicked purposes when it is out of their power to prosecute them. You will therefore be unceasingly watchful of their movements and not permit the clamors of their partisans and opponents of the wise measures already taken to prevent you from checking every movement against the Government however disguised under the pretended State authority. The authority of the United States is paramount and whenever it is apparent that a movement whether by color of State authority or not is hostile you will not hesitate to put it down.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

SAINT LOUIS, *June 13, 1861.*

General L. THOMAS:

Telegraph lines have been destroyed near Jefferson City by party from there thus cutting off all direct communication with the West. The governor has caused the Gasconade bridge to be burned. Telegraph lines from Quincy east but none between these places.

N. LYON,
Brigadier-General, Commanding.

HEADQUARTERS BRIGADE,
Quincy, July 14, 1861.

Col. J. M. PALMER, *Fourteenth [Illinois] Regiment.*

SIR: Your regiment is ordered back to-morrow to be joined by Colonel Grant's, who will bring you detailed orders and meet you at Palmyra. I regret to learn that disorder and depredations have marked the Sixteenth Regiment in Missouri. As senior colonel you will repress this at all hazards. No violence or robbery, no insults to women and children, no wanton destruction of property will be tolerated. License must be repressed by the sharpest remedies and any officer who permits or encourages will lose his commission.

Yours,

S. A. HURLBUT,
Brigadier-General, U. S. Volunteers.

P. S.—I cannot leave headquarters until my other regiment comes on Monday night and get them into camp.

HEADQUARTERS BRIGADE,
Quincy, July 14, 1861.

Colonel SMITH, *Sixteenth Illinois.*

SIR: No depredations will be tolerated in property. Strict order will be preserved at the peril of officers and men. Give receipts at once for all that you take and take nothing that you do not want. Re-

port to me at once any violation of discipline in these or other respects. I fear from reports that have reached me that violence and misrule have some scope in the Sixteenth Regiment. This must be put down at all hazards.

Yours,

S. A. HURLBUT,
Brigadier-General, U. S. Volunteers.

GENERAL ORDERS, No. 2.

BRIGADE HEADQUARTERS,
Quincy, Ill., July 16, 1861.

1. The general in command requires of all troops serving in Missouri strict obedience to the following directions for their conduct: No man is to be arrested or detained for mere expression of opinion. No interference with women, no breaking into houses or stores, no unauthorized seizures or destruction of private property will be tolerated, but every person so offending will be dealt with in pursuance of articles 32 and 54 of the Articles of War. * * *

2. If any person shall be detected by guards in the act of taking up track, removing rails, ties or spikes, placing obstructions on road or burning or injuring property necessary for the orderly running of the road the guard will immediately arrest all such persons, and if they escape arrest fire upon them.

* * * * * * *

10. If sworn information by reliable men is furnished that any person is engaged or has been engaged in raising troops destined to act against the United States, or has accepted service in any such force, or has knowingly and without compulsion furnished horses, provisions or money or any article to assist and aid such, or if any person shall be actually found in such service by any officer or private of the U. S. troops they will be immediately apprehended for treason, and after preliminary investigation if in the judgment of any field officer there is cause to hold them for trial they will be sent to brigade headquarters with a statement of the facts and a list of the witnesses, but all examining officers will exercise extreme care and discrimination and not confound the innocent with the guilty, and exercise a just discretion.

S. A. HURLBUT,
Brigadier-General, U. S. Volunteers.

BRIGADE HEADQUARTERS,
Quincy, July 16, 1861.

Col. J. B. TURCHIN, *Nineteenth* [*Illinois*] *Regiment.*

SIR: The Nineteenth have now an opportunity of establishing a reputation for orderly and soldier-like behavior. I have no fears for their reputation for courage and gallantry. I regret that I have reliable information that they violate private rights of property and of person. This must be stopped at once. I call your attention to the Articles of War, sections 32 and 54, and shall require implicit obedience. The regiment must not be permitted to make friends into enemies and injure the cause of the Nation while in its service by excesses and violence. Peaceable citizens must be protected; offenders against such must be punished. You will cause strict inquiry to be made and where

damage has been done settle the amount and deduct from the offender's pay. In addition to this military punishment adequate to the offense will be inflicted even to the extent of ignominious discharge from the service. Prompt obedience and orderly behavior must be preserved. I send you in a private letter the facts which I require to be examined into and desire a report. If you are compelled by military necessity to take horses or transportation or any other private property let it be done by competent officers and reported to you, and let the cause of such taking, the property taken, the value and the owner's name be entered on the regimental books and proper vouchers given to the owners. Your regiment by careful and orderly conduct can make hosts of friends, and I trust that the high opinion which I have of the officers may not be lowered by their misconduct in any way.

S. A. HURLBUT,
Brigadier-General, Illinois Volunteer Militia.

ASTOR HOUSE, NEW YORK, *July 18, 1861.*

Colonel TOWNSEND, *Assistant Adjutant-General:*

North Missouri Railroad torn up and obstructed by State forces. Mails cannot be transported. Track torn up behind the United States troops. Some fighting between these and State forces. I have ordered General Pope to take the command in North Missouri with three regiments from Alton. He moves this morning. General Lyon calls for re-enforcements.

J. C. FRÉMONT,
Major-General, Commanding.

PROCLAMATION.

SAINT CHARLES, MO., *July 19, 1861.*

TO THE PEOPLE OF NORTH MISSOURI:

By virtue of proper authority I have assumed the command in North Missouri. I appear among you with force strong enough to maintain the authority of the Government and too strong to be resisted by any means in your possession usual in warfare. Upon your own assurances that you would respect the laws of the United States and preserve peace no troops have hitherto been sent in your section of the country. The occurrences of the last ten days have plainly exhibited that you lack either the power or the inclination to fulfill your pledges and the Government has therefore found it necessary to occupy North Missouri with a force large enough to compel obedience to the laws. So soon as it is made manifest that you will respect its authority and put down unlawful combinations against it you will be relieved of the presence of the forces under my command, but not till then.

I therefore warn all persons taken in arms against the Federal authority who attempt to commit depredation upon the public or private property or who molest unoffending and peaceful citizens that they will be dealt with in the most summary manner without awaiting civil process.

JNO. POPE,
Brigadier-General, U. S. Army, Commanding.

GENERAL ORDERS, No. 4. } BRIGADE HEADQUARTERS, *Hudson City, July 19, 1861.*

For the purpose of more orderly and satisfactory control of the Hannibal and Saint Joseph Railroad and the maintenance of the various important points that road will be divided into two divisions and four sections. The first division will extend from Saint Joseph to Brookfield; the second division from Brookfield to the Mississippi River at Hannibal and Quincy.

The first section of the road will extend from Saint Joseph to Hamilton, and will be held by the Second Iowa Regiment, Lieutenant-Colonel Tuttle, headquarters at Saint Joseph. The second section from Hamilton to Brookfield will be held by the Third Iowa Regiment, headquarters at Chillicothe. The third section from Brookfield to Salt River will be held by the Sixteenth Illinois, Col. R. F. Smith, headquarters at Hudson City. The fourth section from Salt River to Hannibal and Quincy will be held by the Fourteenth Illinois Regiment, headquarters at Palmyra.

Each regiment will gradually draw in within its own lines as fast as relieved by the appropriate force and keep communication at least daily from each post to headquarters of regiment. Reasonable force will always be held at headquarters to assist any post in case of attack or for scouting duty. One company of Third Iowa will occupy Brookfield and will be joined by one company from Sixteenth Illinois, after which that point will be held jointly by the two companies. Detail of movements to make necessary changes will be ordered by Colonel Williams within the first division and Colonel Thomas in the second under directions from the brigadier-general.

S. A. HURLBUT,
Brigadier-General, U. S. Army,
Commanding Line of Hannibal and Saint Joseph Railroad.

HUDSON CITY, *July 19, 1861.*

Colonel SMITH, *Missouri Volunteers.*

SIR: By telegraphic orders from Brigadier-General Pope, now commanding in chief in North Missouri, I moved from Quincy yesterday morning at 10 o'clock; took up Grant's regiment, Twenty-first Illinois, 840 strong, and have here in addition 400 of Colonel Palmer's (Fourteenth Illinois). I took possession of this end of the road last night under reports of destruction of bridges and culverts. My orders were to open the road to Mexico and meet General Pope there to-day. Mr. Moulton, superintendent of the road, reports, with an engine, from you to-day that you need no further aid. I return the engine to you and send this by reliable messenger, and will hold my command until you return me message as to the state of things. This you can do by returning same engine, or in the most rapid manner, and send on communications to General Pope who should be at Saint Charles or on the road up.

Yours, respectfully,

S. A. HURLBUT,
Brigadier-General, U. S. Volunteers.

HUDSON CITY, *July 19, 1861*

GEORGE NASH,
No. 40, under Planter's House, Saint Louis, Mo.:

Shall go with train to-day. Conductor must bring out morning mail train. Inform President T. B. Moulton. Harris is moving about in timbered lands in Callaway County with from 800 to 1,200 horsemen. U. S. troops on foot in pursuit. Trains containing U. S. troops on North Missouri Railroad were fired into four times en route to Mexico. One U. S. soldier buried at Montgomery City and several wounded now in trains at Mexico. Two [of] State troops caught and shot. No prisoners. Press seized at Mexico and sheet put out by U. S. troops. Oath administered to many citizens. Doctor Bass, member of State convention, taken prisoner at his own house, and his horses and mules, and taken to Montgomery City but released next day on parole. Colonel McNeil is between Harris and the river. Lieutenant-Colonel Hammer is between the North Missouri Railroad and Harris. Neither party knows the enemy's precise position. General Hurlbut and Colonel Palmer are at Hudson with about 1,800 troops; Colonel Smith is at Mexico with 3 locomotives, 60 or 70 cars and 400 men; says he does not want any more troops to assist in driving the enemy from the country. In addition to the above on the morning of the 18th forty U. S. cavalry, Hammer's command, left Montgomery City for Mexico. Ten miles west of Wellsville they were attacked by State troops and driven back to Wellsville with loss of one horse killed and two wounded. They proceeded from this station by train to Mexico.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Charles, Mo., July 20, 1861.

By instructions from the general of division I have assumed command of all the forces in North Missouri. Upon receipt of this communication all commanders of forces along the line of North Missouri Railroad will send forward to this place the trains, locomotives and cars of every description in their possession or under their control. Commanders of regiments and detached corps will furnish at once a return of their commands, their stations and all other matters of moment.

[JOHN POPE,]
Brigadier-General, U. S. Army, Commanding.

NOTICE.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Charles, July 21, 1861.

An investigation of the circumstances attending the difficulties along the line of the North Missouri Railroad and the wanton destruction of bridges, culverts, &c., makes it manifest that the inhabitants of the villages and stations along the road if not privy to these outrages at least offered no resistance to them and gave no information by which they could have been prevented or merited punishment inflicted upon the criminals.

I desire the people of this section of the State to understand distinctly that their safety and the security of their property will depend upon themselves, and are directly and inseparably connected with the security of the lines of public communication.

It is very certain that the people living along the line of the North Missouri Railroad can very easily protect it from destruction and it is my purpose to give them strong inducements to do so. I therefore notify the inhabitants of the towns, villages and stations along the line of this road that they will be held accountable for the destruction of any bridges, culverts or portions of the railroad track within five miles on each side of them. If any outrages of this kind are committed within the distance specified without conclusive proof of active resistance on the part of the population and without immediate information to the nearest commanding officer, giving names and details, the settlement will be held responsible and a levy of money or property sufficient to cover the whole damage done will be at once made and collected.

There seems to be no method of enlisting the active agency of the citizens along the line of this road for the protection of a public work in all respects so beneficial to them except by making it their very evident personal interest to do so, and I desire them to understand that they will be compelled to pay in full of property or money for any damage done in their vicinity. It has been impossible heretofore even to ascertain the names of the criminals engaged in this kind of work although they were well known to everybody in the neighborhood. If people who claim to be good citizens choose to indulge their neighbors and acquaintances in committing these wanton acts and to shield them from punishment they will hereafter be compelled to pay for it; or if they disapprove their objections must take more tangible form than mere words. It is not to be expected that the General Government will occupy a large force merely to protect from the people of this part of the State a work built for their own benefit, or to defend from outrages and hostility communities which encourage violations of all law by giving no information and by offering no sort of resistance. I therefore expect all law-abiding citizens at once to take measures to secure the safety of the North Missouri Railroad in their vicinity and I notify all others that upon the safety of the road depends the security of their own property and person. To carry out the intentions set forth above divisions and subdivisions of the road will be made as soon as practicable from these headquarters, and superintendents and assistant superintendents appointed by name without regard to political opinions who will be held responsible for the safety of the railroad track within their specified limits. They will have authority to call on all persons living within these limits to appear in such numbers and at such times and places as they may deem necessary to secure the object in view. I expect all good citizens who value peace and the safety of their families and property to respond cheerfully to this arrangement and to assume to themselves the care and protection of their own section.

JNO. POPE,
Brigadier-General, U. S. Army, Commanding in North Missouri.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Charles, July 23, 1861.

His Excellency SAMUEL J. KIRKWOOD, *Governor of Iowa.*

SIR: Your letter to General Hurlbut with a communication from Colonel Bussey has been transmitted to me. In reply to it I have to

say that I most cordially accept the proffered aid in maintaining peace and quiet in those portions of North Missouri bordering on the Iowa line. In sending your State or other forces into Missouri be pleased to intrust their command to discreet and prudent officers, who should be directed to keep me advised of all their operations and who should inform me frequently of all matters of interest or importance connected with the condition of that region. It is not my purpose to make arrests for opinion's sake but rather to force the people throughout this section to keep the peace among themselves and to keep open their own lines of public communication. It is impossible that the Federal Government can employ for any length of time so large a force merely to protect public works against destruction by those for whose benefit they were built, and it is my purpose to offer such inducements to the citizens of this State as will be sufficient to secure their own active agency in protecting their lines of railroad and other works of public convenience or necessity. I have published a notice to the people along the line of the North Missouri Railroad which I intend also to apply to the Hannibal and Saint Joe road based on these views, a copy* of which I herewith transmit. As I shall enforce the penalty to the letter I hope to see good results follow before many days.

Your active interference in North Missouri will I fear be very shortly necessary and in a stronger force than you suggest. The unfortunate repulse of our forces at Manassas has aroused the whole secession element in this State to renewed activity, and intelligence received this morning from Saint Louis has compelled me to suspend for the present further movements of the troops from this place in the direction of the Hannibal and Saint Joe road.

It is by no means improbable that I may be obliged within a few days to move the whole force in North Missouri into Saint Louis to protect that city from civil tumult and bloodshed, and in that case I shall call upon yourself and Governor Yates to replace them by State forces. I will communicate further with you in a day or two when affairs have assumed somewhat more definite shape.

I am, sir, respectfully, your obedient servant,

JOHN POPE,

Brigadier-General, U. S. Army, Commanding in North Missouri.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, July 24, 1861.

Maj. Gen. J. C. FRÉMONT,
Commanding Department of the West, Saint Louis, Mo.

GENERAL: I have the honor to report that I reached this point to-day with the forces from Alton and assumed the command in North Missouri in compliance with your instructions. Everything is quiet and the road unobstructed. I transmit inclosed my proclamation† issued on the 19th instant, together with a public notice* which will explain itself. There seems to be no method of protecting the lines of public communication in this State and of preserving the peace except by forcing the population to understand that they peril their own safety of persons and property if they commit or allow to be committed without opposition any outbreaks against the law, and I have accordingly endeavored by such means as seem to me most efficacious to enlist the active agency of the population in the preservation of peace and good order. The persons to whom the charge of the various districts of the

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* See "Notice," p. 189. † See p. 187.

road is committed have been selected from those of property and respectability without regard to political opinions; and I think that as soon as they can be made to realize that any disturbances among them, any combinations against the Government and any attempt to destroy the lines of railroad will lead to immediate reprisals upon themselves they will take such measures as will be necessary to prevent them. It requires but little effort on the part of the citizens of this section of country to preserve peace and order among themselves, and the moment they are furnished with such reasons for active interference as I have given them I do not doubt that all trouble will be at an end north of the Missouri River. I have applied the same system to all parts of North Missouri and will go forward in the morning to see them put in operation over the whole district. I am aware that these measures may seem at first sight to be harsh; but when it is considered that those calling themselves Union men and good citizens will not only not resist these lawless acts of outrage and these infamous assassinations of persons employed in the public service, but will absolutely refuse to interpose or to give the names of persons in their very midst who are and have been engaged in such atrocious transactions, I think the course I have adopted will appear sufficiently mild for the case. I transmit also copies of orders issued from these headquarters for your information. As soon as I learn that you have reached Saint Louis I will report to you in person.

Respectfully, general, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

[Inclosure.]

ORDERS, No. 1. } HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, July 24, 1861.

I. By virtue of instructions received from Major-General Frémont, U. S. Army, the undersigned assumes the command of all the forces in North Missouri.

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V. * * * The printed notice* transmitted with this order will be circulated as extensively as possible by each commander within the limits hereafter fixed, and each commanding officer will report to the district headquarters as soon as practicable the names and residences of proper persons to be appointed as specified in the printed notice, dividing for that purpose their respective districts into subdivisions not exceeding seven miles in extent. The jurisdiction of the commanding officer at Warrenton will extend as far north as Montgomery City and as far south as the line of Saint Charles County near Millville; of the commanding officer at Mexico from Montgomery City on the south to include Centralia on the north; of the commanding officer at Renick from Centralia to Macon City; of the commanding officer of the forces east and west of Macon City from Hannibal and Quincy to Saint Joseph, with such subdivisions as he may designate. Within these limits the commanding officers will comply strictly with the terms of the printed notice herewith inclosed, and will immediately select proper persons without regard to political opinions (preferring men of property and respectability) to report to the general commanding as fit to be appointed superintendents of the divisions and subdivisions of the railroad specified by the commanders respectively.

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* See "Notice," July 21, 1861, p 189.

VI. All illegal assemblages will be promptly broken up by commanding officers nearest the place where they may be held and all persons taken in arms against the United States will be immediately sent forward to Mexico to be disposed of by the general commanding.

VII. Each commanding officer will send out such patrols and scouting parties as may be necessary to keep him informed of all matters pertaining to his jurisdiction, and will be vigilant and prompt in suppressing all combinations against the authority of the United States or the peace of the country. No arrests will be made for opinion's sake unless the parties are engaged in open acts of hostility or are stimulating others to such acts by inflammatory words or publications. It is the mission of the forces under my command in North Missouri to restore peace and safety to a region distracted with civil commotion and to bring to punishment the infamous assassins and incendiaries who have been infesting this country.

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JNO. POPE,
Brigadier-General, Commanding.

BRIGADE HEADQUARTERS,
Hudson, July 25, 1861.

Lieutenant-Colonel WILSON,
Commanding Sixteenth [*Illinois*] *Regiment:*

You will on Friday night next repair to post at Muscle Fork and take command of a detachment of fifty men, to be drawn in your judgment from Captain Johnson's company and from the company east of that point, the commander of which you will notify in time. With this command proceed with such means of transportation by wagons as can be obtained and guides perfectly familiar with the country; you will move by the best route toward New Boston, timing yourself so as to arrive there about 9 a. m. of Saturday. If on information of the guides it will be practicable to conceal yourselves within a mile or two of New Boston you will start early enough to reach the place of concealment before daylight. If not perfectly certain of this do not arrive there before 9. Move upon the town from the south and east; occupy it. If you find as I am informed you will secessionists assembled for drill charge them rapidly, kill and disperse and drive them if possible to the north and west, where they will be intercepted by Washington Home Guards, under command of W. S. Buckley. The instant they are dispersed if found there let detachments search houses and stores and outbuildings for ammunition and arms. If any man resist your search by violence after being notified shoot him. Collect all arms and ammunition in the hands of men not known to be loyal; arrest Doctor Prior, Morris and any other leaders or any man in whose possession more than ordinary quantities of arms and ammunition may be found. You will give to the Washington Home Guards when they join you all such ammunition and arms as they need from the captured stock. This movement must be made without fail as the Washington Home Guards will be on hand. You are charged with making the necessary detail to carry out this order. If more than fifty men can be spared safely from the post you will take not to exceed seventy-five.

S. A. HURLBUT,
Brigadier-General, U. S. Army.

BRIGADE HEADQUARTERS,
Quincy, July 27, 1861.

Maj. Gen. JOHN C. FRÉMONT, *U. S. Army.*

SIR: By orders from Brigadier-General Pope, commanding in North Missouri, I assumed charge of the line of the Hannibal and Saint Joseph Railroad. Four regiments occupied this line—Nineteenth Illinois, at Palmyra; Sixteenth Illinois, at Hudson City; Third Iowa, at Chillicothe; Second Iowa, at Saint Joseph. Orders this day issued by General Pope have been obeyed to forward the Nineteenth Illinois and Second Iowa to Saint Louis. They are on their way.

But it becomes my duty to report to you that the present force is wholly inadequate for the duty assigned; that the two regiments removed covered the termini of the road and protected its connections; that the country north of the road is inflamed and excited, and the region immediately southwest of Hannibal, in Ralls County, is infested by strong bands of rebels threatening Hannibal in considerable numbers and with at least two pieces of iron artillery. To oppose this I hold Hannibal with one company of Palmer's Fourteenth Illinois and three ill-disciplined companies of home guards; one company of the Fourteenth at South Bridge, between Hannibal and Palmyra. There is a vacancy from these points to Salt Creek where the outposts of the Sixteenth Illinois begin. Thence to Hannibal the road is well guarded; from Hannibal to Saint Joseph no troops; at Saint Joseph about 350 raw home guards. I go to-morrow the length of the road. I desire to state expressly and officially that the feeling along the line is hostile to this road. It is owned in Boston by wealthy men and the people believe it will be repaired if injured. They call it an abolition road. There is no such feeling as to the North Missouri; that is called a State road. I will defend it to the best of my ability; but with cavalry and artillery withdrawn from me and stationary scattered guards of infantry, with an entire regiment (the Third Iowa) without cartridge-boxes, belts or scabbards, justice to myself and the men under my command compels me to notify you in advance that my means are wholly insufficient and that if the road is broken up as I think it will be in forty-eight hours I and my command are not responsible. I have extended and obeyed of course promptly all orders on this subject; but desire to say that unless as I presume is the case public necessity requires this movement it exposes our connections and leaves us with both wings cut off in the heart of an unreconciled and hostile country.

Your obedient servant,

S. A. HURLBUT,
Brigadier-General, U. S. Volunteers.

SPECIAL ORDERS, No. 10. } HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, Mo., July 29, 1861.

Brig. Gen. John Pope is assigned to the command of all the troops in the State of Missouri north of the city of Saint Louis.

By order of Major-General Frémont:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDERS, No. 3. } HDQRS. DISTRICT OF NORTH MISSOURI, *Mexico, July 31, 1861.*

The commanding general in North Missouri being about to assemble in one camp away from the railroad lines all of the forces under his command has determined to commit to the people of North Missouri the peace and quietude of their own section and with these the safety of their property. Certainly the people of the various counties have to-day the same machinery of government and the same power of self-protection against lawless marauders as they had a year ago, and it only needs the same active agency and the same common interest to bring together for such a purpose all those who have anything at stake. It is demonstrated by sufficient testimony and by the experience of the past two weeks that the disturbances in Northern Missouri have been made by small parties of lawless marauders, which at any other time could have been easily suppressed with no more than the usual exertions of the people against breaches of the peace in times past. Certainly quiet and good order are of all things desirable in civilized communities and should form a common bond of union between citizens of every shade of political opinion. When these desirable results are secured there will no longer be a necessity for the presence of armed forces in North Missouri.

It is therefore the purpose of the general commanding in this region of country before removing the military forces under his command from their present stations to visit with a considerable force every county seat and considerable town in North Missouri and in each to appoint a committee of public safety of persons selected from those of all parties who have social, domestic and pecuniary interests at stake. Each committee shall consist of not more than five persons, and wherever it can consistently be done the proper county officers shall be selected as members. No one thus appointed shall be permitted to decline or shall fail to perform his duties under such penalties as the commanding general shall affix. These committees shall be charged with the duty of maintaining peace and order in their respective counties, and shall have power to call out all citizens of the county to assemble at such times and places and in such numbers as may be necessary to secure these objects. Any one who shall refuse to obey such call will be turned over to the military authorities.

If the people of the counties respectively are not willing or able to enforce the peace among themselves and to prevent the organizing of companies to make war upon the United States the military force will perform the service, but the expenses must be paid by the county in which such service is necessary. To secure their prompt payment a levy of a sufficient amount of money will be at once made and collected by the officer in command. Upon the call of a majority of the committee of public safety in each county troops will be sent to keep the peace, but as such expeditions are for the benefit of the people concerned who have in nearly every case the power to discharge the service themselves the troops thus sent will be quartered upon them and subsisted and transported by the county in the manner above specified for the whole period it may be necessary for them to remain.

If in consequence of disturbance not reported by the committee the general commanding finds it necessary to send a force into any county to restore order they will be in like manner billeted upon the county unless the combination against the peace were too powerful to be resisted or the parties engaged were organized in other counties and brought on the disturbances by actual invasion. It is not believed that

the first case can arise in any county of North Missouri; and in the second the forces will be marched into the county or counties where the marauding parties were organized or whence they made the invasion and will in like manner be quartered upon them. Where peace and good order are preserved the troops will not be required; where they are disturbed they will be restored at the expense of the county. To preserve the peace is the duty of all good citizens, and as all will suffer alike from the breach of it men of every shade of political opinion can act cordially together in the discharge of a duty as full of interest to one as to another.

By performing this simple service as in times past and which it is certainly as much their interest and their duty to discharge to-day the people of this section of the country will be spared the anxiety, uneasiness and apprehension which necessarily attend the presence of armed forces in their midst and will again enjoy that security of person and property which has hitherto been their privilege.

All persons who have heretofore been led away to take up arms against the United States are notified that by returning and laying down their arms at the nearest military post and by performing their duty hereafter as peaceful and law-abiding citizens they will not be molested by the military forces, nor so far as the general commanding can influence the matter will they be subjected to punishment unless they have committed murder or some other aggravated offense.

By order of Brigadier-General Pope:

SPEED BUTLER,
Acting Assistant Adjutant-General.

ORDERS, No. 3. } HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, August 2, 1861.

In accordance with Special [General] Orders, No. 3, of July 31, 1861, the following movements of troops will immediately be made:

Brigadier-General Hurlbut with such force as he may consider necessary upon New London, Palmyra, Shelbyville, Bloomington, Linneus, Chillicothe, Gallatin, Kingston, Maysville, Plattsburg and Saint Joseph. Col. T. A. Marshall with two companies of cavalry and one piece of artillery upon Paris; Captain McNulta with one company of cavalry upon Bowling Green and Danville, and Captain Peck, Twenty-first Illinois Volunteers, upon Troy and Warrenton; the commanding officer of the Fourteenth Illinois Volunteers with the four companies of his regiment at Renick upon Huntsville and Fayette, first removing regimental baggage and stores to Renick where the regiment will be concentrated at the expiration of this special service.

The commanding officers respectively will carefully examine the instructions contained in Special [General] Orders, No. 3, herewith inclosed, which they will distribute at the various settlements along the march.

They will assemble at each county seat here specified the most respectable citizens of the town and neighborhood and will read and carefully explain to them the provisions and requirements of the special [general] order.

They will then select from the number at least five of the most responsible persons taken from all political parties and appoint them a committee of public safety charged with preserving peace in their respective counties.

When it can be done consistently with the special [general] order the existent county officers or such number of them as may be judicious will be placed upon these committees. The names of the members of the committee thus selected will be announced to the people by the commanding officers both at the court-house and on the return march to this place.

All citizens will be warned that the troops stand ready to enforce promptly and vigorously every provision of Special [General] Orders, No. 3, and will be exerted for their safety and good name and for the peace of their counties, to preserve quiet among themselves.

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[SPEED BUTLER,]
Acting Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, August 2, 1861.

Col. J. D. STEVENSON,
Commanding in Jefferson City.

COLONEL: I inclose herewith a number of printed copies of General Orders, No. 3, from these headquarters.

You are instructed to move with such force as you deem necessary to the county seats of the counties adjacent to you and to appoint the committees of public safety specified in the printed order, distributing that order as extensively as possible and notifying the people that its provisions will be strictly and vigorously enforced.

In selecting members of the committees you appoint be careful to take men of substance and respectability, preferring those of secession proclivities. I desire it to be made known that the safety of person and property in all that region of country will depend upon the preservation of peace and order and that the best and only protection to family and property will be the presence of every man at home engaged in his usual pursuits. Upon the secessionists as well as the Union men must devolve the duty of maintaining the peace in all sections of North Missouri under my government, and they must understand that however they may escape responsibility by flight their property will always be at hand and will be dealt with according to the terms of the special [general] order.

Report to me the names, places of residence, &c., of all you appoint on these committees and your whole action in the matter.

Respectfully, sir, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, August 2, 1861.

COMMANDING OFFICER IOWA FORCES, *Keokuk, Iowa.*

SIR: Inclosed are instructions for your movement with your command upon Memphis, Waterloo, Monticello and Edina. * * * In selecting members for the committee of public safety you are directed to appoint be sure to put upon it at least two or better still three of the most worthy and prominent secessionists. It is the service of the

secessionists I specially require and I desire that you will give them plainly to understand that unless peace is preserved their property will be immediately levied upon and their contribution collected at once in any kind of property at hand.

When once the secessionists are made to understand that upon peace in their midst depends the safety of their families and property we shall soon have quiet again in North Missouri. Take care that your men are orderly and commit no excesses.

Respectfully, sir, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

[Inclosure.]

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, August 2, 1861.

Colonel WORTHINGTON, *Commanding Iowa Troops, Keokuk.*

SIR: Immediately upon receipt of this order you will direct Colonel Bussey with his cavalry to march forthwith to Memphis, in Scotland County, and having discharged the duty hereafter specified in this order to effect a junction at Edina with the remainder of the forces under your command. You will please put one of your infantry regiments on march for Edina by the way of Waterloo and with the other regiment under your immediate command you will take boat for Canton and proceed to Edina by way of Monticello. When you have effected a junction there with your other forces report to me your operations and all matters of interest. Buy provisions for your troops whenever you need them and give orders for payment on the chief commissary at these headquarters.

You will disperse all bands of armed secessionists and if any are captured in arms send them direct to this place for trial. I send you a printed notice* to be distributed along the routes pursued by your respective columns and direct the commanding officer to appoint committees specified in the printed order, selecting for that purpose the most wealthy and prominent men in the county preferring mostly the secessionists. The printed orders and accompanying letter will inform you fully of the system I intend to adopt in Northeast Missouri. I wish to give the secessionists such inducements as loss of property and danger to families to aid Union men in keeping the peace. Notify all the population that the forces stand prepared to enforce this printed notice fully and vigorously and commence it with your forces as soon as you think it desirable. Act promptly and vigorously and I think peace will result to all parts of North Missouri.

Respectfully, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding North Missouri.

NOTE.—The same instructions given to the commanding officer of the Iowa forces were furnished Col. T. A. Marshall for his movement upon Paris; Captain Peck, Twenty-first Illinois Volunteers, for movement with his company upon Troy and Warrenton; Captain McNulta for movement with one company of cavalry upon Bowling Green and Danville, and to the commanding officer of Fourteenth Regiment Illinois Volunteers for movement with four companies upon Huntsville and Fayette.

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*See "Notice" of July 21, p. 189.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, August 3, 1861.

J. H. STURGEON, Esq., *Saint Louis, Mo.*

DEAR SIR: Your letter of the 1st instant is before me.* I will with great satisfaction reply to your inquiries as well from personal regard for yourself as that it gives me the opportunity to explain clearly what few persons in your city seem to comprehend.

When I arrived in North Missouri to assume the command I found the whole country in commotion, bridges and railroad tracks destroyed or in great danger of being so, and the entire population in a state of excitement and apprehension unwarranted by the facts. My first object has been to restore quiet and secure the safety of public and private property. The only persons in arms so far as I could learn were a few reckless and violent men in parties of twenty or thirty who were wandering about committing depredations upon all whose sentiments were displeasing and keeping this whole region in apprehension and uneasiness. I found that those who had been quiet had been no more; had taken no part to prevent the outrages committed by these lawless bands, and had not even been willing to give information by which they could be apprehended or prevented from engaging in hostile and lawless acts against the peace of the country.

So soon as these marauders found that troops were approaching, which they easily did from the very persons who ask for protection, they dispersed, each man going to his home and in many cases that home in the very town occupied by the troops. Parties of these men would leave their houses and families in the immediate vicinity and engage in forays upon Union men and their property in the immediate neighborhood being sure that those even most opposed to their lawless conduct would carefully shield them from exposure. The mass of the people stood quietly looking on at a few men in their midst committing all sorts of atrocious acts and neither attempted to prevent them nor to give any information by which they could have been prevented and punished.

This was the actual state of things in a large part of the eastern counties of Northern Missouri. When troops were sent out against these marauders they found only men quietly working in the field or sitting in their offices who as soon as the backs of the Federal soldiers were turned were again in arms and menacing the peace. To such an extent had this gone that there was no safety of persons or property in North Missouri except to the secessionists and the Union men were too timid or too much in the minority to offer the least resistance. My first object was to restore peace and safety so that the forces under my command could be removed from the vicinity of the settlements, and to do this with the least bloodshed, the least distress to quiet persons and the least exasperation of feeling among the people.

Two courses were open to me to effect this desirable result: The first was to put in motion in all parts of this region small bodies of troops to hunt out the parties in arms against the peace and follow them to their homes or places of retreat wherever they might be. This course would have led to frequent and bloody encounters, to searching of houses and arrest in many cases of innocent persons, and would only have resulted in spreading the apprehension of distress over districts hitherto quiet. I was and am satisfied that the people of the counties in North Missouri are abundantly able to keep peace among themselves

* Not found.

and this is all I ask to exact from them. It is certainly their interest that they should do so. To spare effusion of blood, destruction of life or property and harassing and ofttimes undiscriminating outrage upon the people I have determined to present to the people if possible some common inducement to preserve the peace in their own midst. The common bond is their property, always in my power though the owner might be beyond my reach. I believed as I do now that as soon as it was felt that only by preserving peace and quiet among themselves and not molesting public or private property there would result security of person and property and the power to pursue unmolested their several avocations. Union men and secessionists would alike engage in putting a stop to lawless and predatory bands, and that the persons themselves who had joined these armed marauders would soon cease their forays and abandon their organizations when they discovered that they had no sympathizers at home and that every act that they committed hostile to the peace of the country was a blow not only at their own property and safety but also at that of their own friends and relatives. Certainly loss of property is not to be weighed for a moment with loss of life or personal liberty, and as I believe firmly that the policy I have adopted will bring peace and quiet to North Missouri with the least destruction of human life I intend to enforce it promptly and vigorously in all cases.

Security of property and the absence of the military depend simply upon the people of North Missouri keeping the peace among themselves as in times past, and if they fail to do so they will be less wise than most of their race. I have not the slightest disposition to play the tyrant to any man on earth. I only ask the people of North Missouri to keep the peace and respect the rights of others in their own midst and this I mean to exact from them if I have the power. If they will only do this, as they have done in times past and can easily do now they will neither see me nor my command.

I sincerely hope that these views may be satisfactory to you, and remain,

Very truly, yours, &c.,

JNO. POPE.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Mexico, August 4, 1861.

Capt. J. C. KELTON.

CAPTAIN: I have the honor to report for the information of the general commanding the department that by a simultaneous movement I shall to-night or to-morrow morning occupy in force the county seats of the nineteen counties lying east of the North Missouri Railroad and its proposed continuation north to the Iowa line. The three Iowa regiments have been instructed to move as follows: The cavalry regiment to Memphis, the county seat of Scotland County, and thence to Edina, the county seat of Knox, near which it is reported that a camp of 2,500 secessionists has been established; one infantry regiment to march upon Edina direct from Keokuk, the other to come down to Canton and thence to march upon Edina by way of Monticello. These three regiments will effect a junction to-night or to-morrow morning at that point. Brigadier-General Hurlbut is instructed to occupy Palmyra, Shelbyville and Bloomington, the county seats of Marion, Shelby and Macon. He has probably done so to-day. Colonel Marshall with 500 infantry, 100 cavalry and 2 pieces of horse artillery moved from this

place day before yesterday with the design of occupying Paris, the county seat of Monroe, and thence upon New London and Hannibal; Captain McNulta with 100 cavalry upon Bowling Green, the county seat of Pike County, from Montgomery City, on the line of North Missouri road. Captain Peck, Twenty-first Illinois Volunteers, with 300 infantry from Warrenton on this road marched yesterday and occupies to-day Troy, the county seat of Lincoln. Five companies of infantry under Major Goddard occupy Fulton, the county seat of Callaway County. Lieutenant-Colonel Johnson with 400 men occupies Huntsville, seat of Randolph County, to-day. Macon City, the junction of Hannibal and Saint Joe road, is held by five companies of Sixteenth Illinois Volunteers, and Sturgeon on line of North Missouri road by four companies of the Fourteenth.

If these movements have been made promptly and vigorously by to-morrow morning the forces will occupy all those points, and as no place of retreat for armed parties of secessionists will be left in all that region without the certainty of encountering some portion of the U. S. forces it is expected that they will either be taken or dispersed. The object of these movements was as much to put in operation the policy marked out in Special [General] Orders, No. 3, from these headquarters, copies of which are inclosed, as with an expectation of finding any considerable force in arms against the United States. I inclose also copy of instructions issued to officers in command of these various columns as also copy of a letter addressed to J. H. Sturgeon, Esq.* These various papers will explain fully the policy I am pursuing and the reasons therefor. In addition to the reasons thus assigned I have to say that by pursuing the system of hunting out these guerrilla parties the whole force under my command will be as much demoralized and as little fitted for active service in campaign as the marauding parties themselves. I am compelled to pursue some policy however harsh which will enable me to assemble my forces in a camp of instruction that I may establish that discipline and habit of service essential to any efficiency in the field hereafter. Raw troops such as these grow worse every day by this system of small detachments scattered over the country on police duty, and if it be pursued for two months I shall have a mob and not an army to command.

I have selected a point near Brookfield, on the Hannibal and Saint Joe Railroad, for a camp for all the forces under my command. Water is abundant and good and the ground fine rolling prairie with timber at hand on both sides. I shall move to that point as soon as the quartermaster in Saint Louis can send forward transportation. It is my design in moving to that point to occupy in succession Columbia, Fayette, Glasgow and Keytesville.

I am, captain, respectfully, your obedient servant,

JNO. POPE,

Brigadier-General, Commanding in North Missouri.

HDQRS. MILITARY DISTRICT OF NORTH MISSOURI,
Mexico, August 5, 1861.

Major-General FRÉMONT, U. S. Army,
Commanding Department of the West, Saint Louis.

GENERAL: I send down Colonel Grant, of the Twenty-first Illinois Volunteers, to inform you more fully than can be done by letter of the

*See pp. 196–199, respectively, for these inclosures.

policy I am pursuing here and its effects upon the people. He can also give full information concerning all matters of interest in this region. He bears with him dispatches to the Adjutant-General of which I beg your careful perusal. Colonel Grant is an old army officer, thoroughly a gentleman, and an officer of intelligence and discretion. I received a dispatch from Chester Harding, jr., assistant adjutant-general, this morning dated Cairo, August 3. It is in cipher and I have not the key. I have directed Colonel Grant to ask it from you and to return at once by special engine. The publication in the Democrat of orders issued from these headquarters for the movement of troops was wholly unauthorized and was made through the indiscretion of the officers to whom they were issued and who will be held accountable. I think you need entertain no apprehension about the peace of North Missouri. You will doubtless hear many rumors more or less substantiated by seemingly good testimony, but from examination of many such I have found that there is little dependence to be placed on them. The arms of this command are old and worthless. About one-third of each company are without arms which can be used at all. The cavalry are wholly without arms of any kind except a few old flint-lock single-barreled pistols altered to percussion. Can you not have us furnished with approved arms?

Very respectfully, your obedient servant,

JNO. POPE,
Brigadier-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 8, 1861.

Capt. J. C. KELTON,
Assistant Adjutant-General, Saint Louis.

CAPTAIN: I have the honor to report that I transmitted to General Hurlbut this morning a dispatch directing him to ascertain who did the firing on the passenger train yesterday near Palmyra, to shoot any man he caught who was engaged in it and to move at once with at least 500 men to the district in which this marauding party was organized and occupy it as directed in Special [General] Order, No. 3,* from these headquarters. I have instructed him to billet his command upon the population and to require from them subsistence and transportation until all was quiet again.

I am, sir, respectfully, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

SAINT LOUIS, *August 8, 1861.*

General S. A. HURLBUT:

If the train was fired into investigate it immediately. Find what section [the] party which fired came from and immediately occupy it with Illinois or Iowa regiments, quartering the men in houses and demanding subsistence, &c., for them in compliance with Special [General] Orders, No. 3. It is to enforce this order promptly and rigorously that I wish to keep your force concentrated. As soon as you can

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*Order of July 31, 1861, p. 195.

ascertain from what county those who fired came from march instantly with a whole regiment to occupy it. Shoot any who were concerned in the firing. My headquarters will be here. Keep me advised by telegraph every day.

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 9, 1861.

COMMANDING OFFICER, *Boonville, Mo.*

SIR: I transmit herewith Special [General] Orders, No. 3,* from these headquarters, which is to be made applicable to Lexington, Boonville, Kansas City and the towns and counties along the river. You will therefore distribute this order at once among the people of Boonville and the adjacent counties and appoint a committee of public safety in Boonville to consist of five of the most wealthy and prominent men taking at least three secessionists. You will read and carefully explain to them the provisions of the special order and accept no excuses from serving from anyone appointed a member of the committee. Report their names to these headquarters immediately and notify all persons in Boonville of their names and their appointment. Have a number of copies printed of the special order for distribution and impress distinctly upon the people that any disturbance of the peace or any assembling of armed forces hostile to the Government will be promptly followed by the occupation of the houses of the people by strong bodies of U. S. troops, who will be fed and transported by them for the whole period necessary to restore peace and to insure its being kept. I wish and intend not only to enlist the interests of the secessionists to preserve the peace in their own midst but I am resolved that for every breach of it they shall suffer a pretty severe penalty. I am satisfied that peace can be kept if the people will interest themselves in keeping it, and I have therefore furnished them with a very strong inducement to do so. Report to me at once when you have completed these arrangements furnishing all needed information.

Respectfully, sir, your obedient servant,

[JNO. POPE,]
Brigadier-General, Commanding in North Missouri.

SAINT LOUIS, MO., *August 9, 1861.*

General S. A. HURLBUT:

Don't fail to act promptly and vigorously according to orders. Go to the county where the marauders fired on the train. Force the people under penalty to tell where those men came from. If you cannot find out occupy with your forces the district and county seat and county in which the firing was done. Don't fail in severity or in strict compliance with orders or upon yourself will rest a serious responsibility.

JNO. POPE,
Brigadier-General, Commanding.

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* Order of July 31, 1861, p. 195.

SAINT LOUIS, *August 10, 1861.*

Maj. Gen. J. C. FRÉMONT, *Saint Louis.*

DEAR SIR: At the present time the counties of Monroe, Ralls, Marion and Shelby are infested by bands of armed men encamped in different places and frequently changing their place of encampment. It is believed that at the present time a large majority of the people of Monroe and Ralls Counties favor secession. In Marion and Shelby the majority is not so large. I think the number in camp in these counties must be between 1,000 and 2,000, and such is the communication kept up between them that if they desired to concentrate a force at any point I have no doubt they could bring out over 2,000 at short notice including those who are usually at home at their work. In addition to the rifles and shotguns of the country they have some muskets with bayonets; these are said to be about 400 in number. They also have two cannon, 6 and 9 pounders, made at Hannibal. It is said they have others taken from the Liberty Arsenal. I think they have others.

These men are exceedingly bitter in their feelings of hostility and have been led on until many of them are fit for any deed. Usually they are ignorant; they are fed on falsehood and are encouraged in their course in the strong belief that Jackson is soon to reinstate himself as governor of the State. To this the defeat at Manassas and the invasion of the State from the South—aided by false statements, such as that Bird's Point has been taken and that Lyon and Sigel have been cut up—gives great encouragement.

It must be confessed that there have been many aggravating causes to produce this state of things. You already know the many depredations committed by the soldiery. Perhaps this has not been the worst. Frightful stories as to what the soldiers would do if they came into the State preceded them on their approach to a place. Many were ready to run from fright. It occurred to my knowledge in a good many cases where men thus ran and did not obey the order to halt, which very likely they did not understand if they heard; they were fired upon—not single shots but volleys—in the presence but without the command of officers. Whether any were killed in this way I do not know. It has been reported to me that soldiers have repeatedly fired from trains at quiet, peaceable citizens. I believe this though I have not seen it. Very many have been arrested without any cause except that they were reported secessionists; and not only this but indignities have been put upon them such as requiring them to "mark time," dig ditches and sink-holes for filth. The present week Mr. McAfee, speaker of the last house of representatives, was arrested and required by General Hurlbut to dig trenches in the hot sun as I was told all day. Hurlbut himself told me he set him at it. McAfee is no doubt a very bad and dangerous man; still it was admitted that it was very doubtful if any charge could be maintained against him. If he is now let go for want of cause to hold him I fear he will be able to do us much more hurt than heretofore.

Now, sir, when these facts which are bad enough are greatly exaggerated by crafty men they have led many especially young men into a bad cause from really noble and generous impulses. When once they are in and have committed the overt act it is hard to get them out. These things have tended greatly to weaken the Union cause and in the State where I am acquainted there are far less Union men than two months since.

Many timid Union men who have seen secessionists grow more numerous, bold and threatening have thought they would succeed. Many such who can have left the State or are intending to leave it, while perhaps a larger number think it is of no use to struggle against it and bow to the storm. I have dwelt at length on the condition of things and the causes that you may know better how to adapt the remedy.

Complaint is made by officers that they cannot get information. It is well known that the wrath of an unscrupulous foe falls on the head of an informer, and there never has been and is not to-day any adequate protection for such men. Few are bold enough to take the position.

You no doubt desire to retain all your present friends if possible and strenghthen their hands while you weaken the enemy, and give them the least possible just occasion to complain. I think if an arrangement could be made to pay for the destruction and loss wantonly and unlawfully done by the soldiery it would go far to place the Government right before the public mind. The Government is now industriously made responsible for these abuses. Then if persons should be exempt from arrest for their opinions for the same reason should not their property be protected also? Yet it is the published purpose of General Pope to hold communities responsible for acts of violence committed among them. This might do in a foreign country but I do not think it can be done here without alienating friends and making the feeling still more bitter on the part of the enemies. The present plan of appointing leading secessionists to look after and protect the railroads works in this way: They are authorized to call out who and as many as they please at all times. They use this to order out the Union men to their great annoyance, intending no doubt if they fail fully to respond to report them and as far as possible have them held responsible for any damage. It is already creating great dissatisfaction. The principle of holding peaceable, quiet men responsible in a military contribution for damages done by lawless and violent men is one which can never meet with favor in the popular mind. It is said these roving bands cannot be reached but well-informed men in the country think differently. A suitable mounted force would be required and it can be done. At least their cannon can be taken and they are a "tower of strength" to them in their moral effect on the community.

You may consider much that I have written impertinent. I can only say I have not so intended it. I have felt that in the multitude of your cares there were many facts of which you were not aware. The work to be done in Missouri I consider far more delicate and difficult to do well than if it were a State in open hostility to the Government. I shall call attention to a few points on our road and I have done: At Hannibal are all our repair shops and a large part of our engines and rolling-stock. If these were destroyed it would greatly cripple the road. The destruction of the South River bridge, between Hannibal and Palmyra, would cut us off from there and produce nearly the same effect. This bridge is one-quarter of a mile long and sixty feet high. The bridges at Chariton and Grand River are important and would seriously embarrass the operations of the road if they were destroyed. No other bridge would delay trains more than a few days if destroyed. I think these bridges and Hannibal should be guarded. There are especial reasons for an attack on Hannibal. I am confident the rebels can bring a force of 2,000 men if they choose. There are only between 300 and 400 home guards to protect it. If attacked we are determined

to whip the enemy, but it is not prudent as it is the key to the whole route and it must be the only reliable route for communication and transportation to all the country west from now until next spring.

Begging pardon for this trespass on your time, I am, very respectfully, your obedient servant,

J. T. K. HAYWARD.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 10, 1861.

Brigadier-General HURLBUT:

The commanding general has learned with surprise from the public journals of the arrest and confinement at your headquarters of Speaker McAfee, of the late house of representatives of Missouri. He directs that you report immediately all circumstances connected with this case and your reasons for not having reported the fact to him.

Respectfully, sir, your obedient servant,

[SPEED BUTLER,]
Acting Assistant Adjutant-General.

SUPERINTENDENT'S OFFICE,
HANNIBAL AND SAINT JOSEPH RAILROAD COMPANY,
Hannibal, Mo., August 12, 1861.

General J. C. FRÉMONT, *Saint Louis.*

DEAR SIR: On Saturday General Hurlbut removed McAfee (late speaker of the house of representatives) from Macon to Palmyra. He gave orders to have him tied to the top of the cab on the engine but was dissuaded from it by our men. Such outrages will make more enemies than thousands of men can quell.

Respectfully,

J. T. K. HAYWARD.

PALMYRA, *August 12, 1861.*

Col. R. F. SMITH, *Sixteenth Regiment Illinois.*

SIR: Your command has been ordered here to punish the people of Marion County for their connivance in the various outrages committed within their limits. You have been instructed to enforce contributions if not made by 9 a. m. to-day. This has been neglected. I now expressly and in plain terms order you if provisions are not delivered to your command by 5 p. m. to detach sufficient force from each company and take such supplies or their equivalent by force, giving to the persons from whom your men may take receipts against the county of Marion. If any further difficulty occurs in rendering provisions and supplies for your command you will daily repeat this compulsory levy. The object is to compel this people to ferret out, seize and deliver to this command the men who have fired on the trains, who have committed outrages on the bridge-tenders and other peaceable citizens. If supplies are regularly furnished you will remain encamped where you are; if not occupy the houses of the most prominent citizens with

your force and live at free quarters. You will be held strictly responsible for the literal and exact fulfillment of this order. Any failure will subject you to arrest.

S. A. HURLBUT,
Brigadier-General, U. S. Army.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 13, 1861.

Brigadier-General HURLBUT, *Hudson, Mo.*

SIR: Please forward to these headquarters the names of all persons appointed members of safety committees* which you have in your possession.

By order of General Pope:

[SPEED BUTLER,]
Acting Assistant Adjutant-General.

BRIGADE HEADQUARTERS,
Hudson City, August 13, 1861.

General JOHN POPE, U. S. Army,
Commanding in North Missouri.

GENERAL: I have this day received your communication of 10th instant in relation to John McAfee. In reply I have the honor to report that John McAfee is held by me for the following reasons: He was arrested not by my direct order but by a party dispatched from this camp to break up a band said to be then encamped two miles east of Shelbyville. In this the party failed, the camp having been removed a few hours before their arrival. They returned through Shelbyville and there captured the prisoner McAfee. The party was guided and accompanied by W. R. Strachan, U. S. deputy marshal. Strachan desired McAfee detained until he could take him to Saint Louis. He has been so detained and now remains in custody at Palmyra waiting the call of the deputy marshal. I am personally satisfied that McAfee is a dangerous and subtle enemy; that he commits no act himself but encourages and advises others. I inclose herewith a copy of the letter† to me from J. F. Benjamin, of Shelbyville, admitted by everyone to be a cautious and truthful man. I have offered Mr. McAfee his liberty if he would give his pledge not to resist by force the "Gamble Government." He refused so to do in presence of Mr. Dryden and others of Palmyra. If a man with his antecedents, delivered to a military officer by the U. S. marshal charged with urging the seizure of the arsenal and with furnishing aid to rebels at present in arms and refusing to pledge himself not to resist the government established by the convention by force deserves any special consideration from the fact of having been speaker of the house of representatives which forced the State into present difficulties by outrageous legislation I have not so considered it. I hold that his position requires more of him than was required of those of less information and have so treated him. I was not aware that it was required of me to report to the general commanding every arrest made or should have done so. If U. S. commissioners

* No reports found giving the names of these committees for any of the localities designated in the original instructions.

† Not found.

had yet been qualified in this region I should have delivered him to that authority. He is now held by the U. S. marshal at Palmyra or subject to such order as I may receive from the general commanding.

Very respectfully, your obedient servant,

S. A. HURLBUT,
Brigadier-General, U. S. Army.

SPECIAL ORDER.] PALMYRA, *August 13, 1861.*

The general commanding the line of the Hannibal and Saint Joseph Railroad hereby gives notice to all citizens of Missouri who have actually taken up arms under orders from the late Governor Jackson, or who have under like orders in any way participated in the late movements, that in conformity with the proclamation of Governor Gamble and the orders of the Secretary of War all who voluntarily lay down their arms if they have been in actual service or come in and take the oath of allegiance to the government created by the late convention shall not be arrested by military authority or in any other way treated differently from other peaceable citizens. Those who have resided in Marion County can take the oath of allegiance subscribed by them before Mr. Dryden, of Palmyra, or such person as he may appoint. All such persons will be furnished with a certificate from the commissioner which shall be held as a safeguard, unless they are found afterward guilty of criminal acts. All officers and soldiers under my command who disobey these orders or violate such safeguards will be promptly and severely punished to the extent of military law. No persons except those who have been actually engaged in firing upon the trains will be arrested in any case except upon the order of Colonel Smith, commanding Sixteenth Illinois, in charge of Marion County.

S. A. HURLBUT,
Brigadier-General, U. S. Army.

HEADQUARTERS BRIGADE U. S. RESERVE CORPS,
Saint Louis, August 13, 1861.

Captain TRACY,
Commander of the Post, Saint Louis Arsenal.

SIR: I herewith send Dr. H. Caldwell, a prisoner taken in Lewis County, Mo., near La Grange. The prisoner was one of the most active enemies of the Government in Northeast Missouri. He commanded the enemy's artillery at the battle near Athens on the — July. He has with his company arrested a number of Union men and particularly Lieut. Joseph R. Rickey, of the Eleventh Missouri Regiment, whom I believe they now hold. He has been an active armed enemy from the beginning. He marched at the head of the rebel forces on Edina, driving the Union men away and pillaging and destroying their property. He with his company visited Palmyra for the purpose of attacking the U. S. forces there but did not do so. He is one of the leaders of the enemy in all our troubles in that section of the State.

Very respectfully,

JOHN McNEIL,
Col. Third Regiment, U. S. Reserve Corps, Comdg. at Saint Louis.

The prisoner was arrested by Capt. Charlton H. Howe and delivered to me this day by him.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 14, 1861.

Brigadier-General HURLBUT.

SIR: The arrest of Speaker McAfee has been approved by the general commanding and unless he not only pledges himself to keep the peace but will use all his influence in so doing in his immediate vicinity of country you will forward him to this place.

By order of General Pope:

[SPEED BUTLER,]
Acting Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 14, 1861.

Brigadier-General HURLBUT.

SIR: In consequence of solemn pledges from a deputation of respectable citizens of Palmyra that peace will hereafter be kept in Marion County you are authorized to suspend the enforced contribution of supplies, &c., levied upon that town and county. You will, however, keep the force now there at some point in the neighborhood carefully avoiding any outrages or excesses. Keep the troops in camp and punish any violation of the regulations in that respect. Lieutenant-Colonel Williams has left without your authority. Write him a severe letter on the subject or put charges against him. I wish the order published to your command forbidding any officer or soldier from leaving this district without leave of absence from these headquarters. No passes will hereafter be given on any railroad or steam-boat except to persons traveling on important public business.

By order of General Pope:

[SPEED BUTLER,]
Acting Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 15, 1861.

Brig. Gen. S. A. HURLBUT.

SIR: I am instructed by the general commanding to acknowledge the receipt of your letter* of the 14th instant inclosing notice and to inform you that orders covering the entire ground were sent to you by yesterday's mail. If you think it necessary to adopt the same course in Shelby that has been pursued in Palmyra and Marion County you will do so and you will exercise your own discretion as to the length of time the troops will be kept there. The general commanding wishes the requirements of Special [General] Orders, No. 3, enforced in all cases.

Very respectfully, your obedient servant,

[C. A. MORGAN,]
Aide-de-Camp.

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* Not found.

SAINT LOUIS, *August 15, 1861.*

General S. A. HURLBUT:

Relieve Marion County and Palmyra from further punishment. Release McAfee. I have explained to you by mail.

JNO. POPE,
Brigadier-General, Commanding.

SAINT LOUIS, *August 15, 1861.*

General S. A. HURLBUT:

Do as you please about the camp. Keep at Brookfield if you think best. Report your decision. Release McAfee for reasons which will be given by letter.*

JNO. POPE,
Brigadier-General.

PROCLAMATION.

HEADQUARTERS,
Saint Genevieve, Mo., August 15, 1861.

TO THE CITIZENS OF THE CITY OF SAINT GENEVIEVE:

On my arrival at this place I found such a disposition on the part of parties who sympathize with the rebel forces as to seriously alarm the Union men for the safety of their lives and property. I deem it my duty to warn all persons who may in any way be connected with such forces that they will be held individually responsible both in their persons and property for any outrage which may be committed on Union men here. When reliably informed of such I will not hesitate to return at once to this city and retaliate in the most summary manner. It will be no excuse that they did not assist the rebels. They must prevent any outrages on Union men or take the consequences.

JOHN McDONALD,
Major, Commanding Forces at this Post.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 17, 1861.

Capt. JOHN C. KELTON, *Assistant Adjutant-General.*

CAPTAIN: In compliance with directions from the general commanding the department I have the honor to submit the following brief remarks concerning the condition of the district under my command:

In consequence of the firing on the trains of the Hannibal and Saint Joseph road General Hurlbut with 600 men and two pieces of artillery has been occupying Marion County for the past ten days and enforcing the provisions of General Orders, No. 3,† from these headquarters, which requires the inhabitants to furnish quarters, subsistence and transportation in case of difficulties of the kind. The effect has been complete, and in compliance with solemn pledges on the part of

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* No letter found giving reasons for release of McAfee.
† Order of July 31, 1861, p. 195.

the citizens presented by a delegation sent to me they were yesterday relieved from the penalty. The force under Martin Green has been driven into the northern part of Adair County. Colonels Moore and Bussey from the east and 550 men and two pieces of artillery from the south are moving upon him and will probably unite to-day in the immediate vicinity of his camp. No doubt his forces will disperse as has been usual. No surprises are possible in a country where all the inhabitants are willing to warn if not to assist such parties. With these exceptions all is quiet in North Missouri as reported to me by the committees of public safety appointed in conformity to General Orders, No. 3. That order seems to have united all responsible persons who have anything to lose in efforts to preserve the peace and they have organized for that purpose. If any skirmishing is done it will be done by the people themselves who are abundantly able to protect themselves and who have a motive to do so which they had not before. Of course they wish troops sent to do this service as it will save them the necessity of personal exertion, but I think it best that they should do the work themselves where it can be done.

Both railroads are undisturbed since the penalty inflicted in Marion County. Of course there is much excitement and uneasiness among the people since the affair at Springfield but I think from the best information I can get that it will result in no disturbance of moment.

* * * * * * *

I am, captain, respectfully, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 17, 1861.

Capt. J. C. KELTON, *Assistant Adjutant-General.*

CAPTAIN: I have this moment received telegraphic dispatch from General Hurlbut stating that the train carrying the force which has been quartered upon the county of Marion to Hudson City was fired upon as it left Palmyra and again at Hunnewell, the western edge of the same county. One man of the Sixteenth Illinois Volunteers was killed and another wounded. The train was halted and the rebels dispersed with loss of five of their number killed. This county of Marion has been the principal seat of the disturbances in North Missouri, and it is my purpose immediately to inflict such punishment as will be remembered.

I am, captain, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 17, 1861.

General HURLBUT.

GENERAL: Your telegraphic dispatch* of this date in relation to the firing upon the train which brought the Sixteenth Illinois Regiment

* Not found.

from Palmyra has been received. It is clear that strong measures must be taken with Palmyra, Marion County and possibly with Shelby. If the facts set forth in your dispatch be not modified in some way by your official letter you will please notify the county authorities of Marion and the town authorities of Palmyra that the persons who fired on the train from that town and who searched the telegraph office must be given up to the military authorities. Give them six days to do it with the understanding that if not done at the expiration of that time a levy of $10,000 on the county and $5,000 on the town will be made and collected. Of course in this levy you will spare the undoubted Union men. You can collect this amount in money, provisions or forage, or means of transportation, selecting such articles as will be most useful to the forces under your command.

Under present circumstances I think you had best make your headquarters at Palmyra and concentrate all your forces and supplies at that point. Colonel Morgan has authority from General Frémont to raise a force of 500 men in Linn County and has made requisitions for various supplies. He as well as all the forces in that region will come under your command and you can dispose of them as in your judgment will best serve the public interest. Morgan can probably take care of the line of road west of Macon City as there seems to be little trouble in that quarter. You had best get together as many home guards or other forces from the country as are needed to put down these troubles in your midst. So far as I can ascertain most of our troubles along the road come from Marion County. In the northeast Colonel Bussey was to enter Missouri some days since with 1,000 cavalry and march slowly through the counties north of you approaching Hudson so as to open communication with you and co-operate with you in any way you may desire. Of course all such forces will come under your command whilst in your section of country.

I do not wish you to confine your special attention to any particular line but exercise supervision over all that region, acting promptly according to your judgment and the orders furnished you at various times. Report your operations often and fully that I may be exactly advised of all matters of interest. If the offenders are not produced notify the county and town authorities of precisely the quantity of forage, provisions, &c., each must furnish to cover the amounts of money specified and inform them distinctly that if it be not furnished on the day you specify at Palmyra you will send out forces and seize where you can find it at least double the quantity of everything. Give them a reasonable time in which to furnish these articles and if they be not furnished by the expiration of that time proceed promptly to execute the levy. If they can inform you specifically and properly attested to before a magistrate where the marauders came from send to that place and county and have the levy made there. Some severe example is needed or we shall be harassed constantly by these robbers and assassins. Have the men who did the firing or searching tried by a military commission which you will order and at once execute the sentence of the commission upon them. I will endeavor to send you the wagons as you request.

I am, general, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 17, 1861.

Colonel WORTHINGTON, *Jefferson City.*

COLONEL: Proceed with as little delay as practicable to Lexington appointing committees at points specified. Then return at once with your regiment and the artillery from Lexington to Jefferson City and occupy that place. Answer.

JNO. POPE,
Brigadier-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 18, 1861.

Brigadier-General HURLBUT.

GENERAL: The general commanding directs me to inform you that he has received a letter* from Mr. Hayward, of Hannibal, stating that the firing into the train occurred before the citizens had time to organize for the prevention of such outrages but that a meeting of the citizens had since been held and men sent out to see what could be done and asking that no steps should be taken until the result of this action of the people was ascertained. The general commanding directs me to say that if you think the citizens of Hannibal and Palmyra have taken hold of this matter in earnest and are likely to bring the offenders to justice you will give them a reasonable time to do so, but if you think they are not moving actively or if after a reasonable delay they fail to deliver up the assassins, you will proceed to collect the levy

I am, very respectfully, your obedient servant,

[C. A. MORGAN,]
Aide-de-Camp.

SPECIAL ORDER.] BRIGADE HEADQUARTERS,
Hudson, Mo., August 19, 1861.

TO THE AUTHORITIES OF THE CITY OF PALMYRA AND OF MARION COUNTY:

You are hereby notified and required to deliver up to the military authorities of this brigade within six days from the date of these presents the marauders who fired upon the train bound west on Hannibal and Saint Joseph Railroad on the evening of the 16th instant and broke into telegraph office at Palmyra. If the guilty persons are not delivered up as required and within the time herein specified the whole brigade will be moved into your county and contributions levied to the amount of $10,000 on Marion County and $5,000 on the city of Palmyra.

By order of Brig. Gen. S. A. Hurlbut, under instructions received from Brig. Gen. John Pope, commanding North Missouri:

S. M. PRESTON,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 20, 1861.

Colonel BUSSEY.

COLONEL: The general commanding directs you to examine all the prisoners held by Colonel Moore and to send under a proper guard all

* Not found.

who were taken in arms against the Government or who have in any way encouraged or pretended to encourage or promote any disturbance or breach of the peace to this city and to send an officer to report their arrival to Brigadier-General Pope at his headquarters on the corner of Fourth street and Washington avenue. You will also send a clear and concise statement of the offense of each individual. You will set at liberty all against whom no charges are established.

I am, colonel, respectfully, your obedient servant,

[C. A. MORGAN,]
Aide-de-Camp.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 20, 1861.

Col. CYRUS BUSSEY, *Keokuk, Iowa.*

COLONEL: I am directed by the general commanding to request you to examine all the prisoners taken by Colonel Moore, and to send under proper guard to the arsenal all who were taken in arms against the Government or who have been in any way concerned in the breaches of the peace or outrages, with a specification of the offense of each prisoner. You will set at liberty all against whom there is no authenticated charge.

I am, very respectfully, your obedient servant,

[C. A. MORGAN,]
Aide-de-Camp.

BARNUM'S HOTEL, SAINT LOUIS,
August 24, 1861.

Maj. Gen. JOHN C. FRÉMONT, *Saint Louis.*

SIR: The undersigned beg leave to call your attention to the state of things touching the public peace in Northern Missouri and to invoke the intervention of your authority immediately to correct the evils upon us and to avert the still greater ills with which we are threatened. The brigadier-general for the suppression of the rebellion and for the keeping of the peace in that region has adopted the policy of requiring each county to keep the peace within its own borders; in case of disorders to render up to the military authorities at brigade headquarters the disturbers of the peace or in default thereof to submit to the levy of such contributions on the inhabitants (loyal and disloyal alike) as will meet the expenses of a military force sufficient to restore order. Herewith find an order* of Brigadier-General Hurlbut which marks the policy. To this policy we submit most respectfully the following objections: First, it is without warrant of law. Second, it proposes to punish the innocent with the guilty—Union men with disunionists. Third, it is irritating to the people and deeply injurious to the Union cause. It has already driven thousands from our ranks who were formerly in co-operation with us. Fourth, it proposes to impose penalties prescribed by no law, civil, criminal, or military. Fifth, it assumes as its basis what is false in fact that the civil authorities of the country are capable of suppressing this monstrous rebellion—an assumption in the face of every step in this war from the President's first proclamation to the arming of the last regiment mustered into service.

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* See p. 213.

You will perceive that this is the last day limited by General Hurlbut's order in which the authorities of Marion are to deliver up certain marauders. The threatened levy may commence to-morrow. When it does commence it is our deliberate opinion it will instantly involve at least four-fifths of the people of as many as five or six of the counties in the northeast in open rebellion against the Government and drive out what of Unionism remains. We therefore more earnestly ask your excellency's instant interposition for the prevention of consequences so direful.

We are with great respect, your obedient servants,

JOHN D. S. DRYDEN.

[And 11 Others.]

HEADQUARTERS DISTRICT OF NORTH MISSOURI,

Saint Louis, August 25, 1861.

Maj. Gen. JOHN C. FRÉMONT,

Comdg. Department of the West, Saint Louis, Mo.

GENERAL: In view of my conversation with you this morning I have the honor to report as follows:

The policy of making the people along the lines of railroad in North Missouri responsible for any damage done to the roads has perfectly secured them from destruction since it was established. The system of holding property of counties responsible for breaches of peace enlists by the only method possible the active agency of the secessionists in keeping down riots and disturbances. When so large a portion of the population sympathizes with the authors of the atrocious acts of guerrilla warfare which have hitherto disgraced North Missouri it is impossible to apprehend the perpetrators of such outrages. Since the population has been notified that their property would be made to pay the expense of suppressing such disturbances thousands of persons have taken an active part in preventing them who never did so before. Marion County from which came the protests against this policy has been the worst county in the State. At the request of a deputation from that county it was relieved from the first levy made for firing into a train on the Hannibal and Saint Joseph road but the troops which had been quartered at Palmyra had not proceeded three miles from the place before the train carrying them was fired into from the roadside and one man killed and several wounded. They are now under contribution for this second and aggravated charge.

I have received intelligence from persons of character in most of the counties of North Missouri stating that this policy alone and the fear of the penalty to property prescribed in it prevents the secessionists from driving out Union men and destroying their property. The secession papers in North Missouri are now entreating the population to preserve the peace because the leading State-rights men (secessionists) are made to serve on committees of safety against their will and their property is made responsible for any violence or breach of peace committed by their friends. Whenever it is discovered that the penalty set forth will not be executed I firmly believe that every county in North Missouri will be in a state of tumult and will require for the restoration of peace five times the force now needed. It is possible that some lukewarm Union men may turn secessionists under the operation of this policy but it is my sure conviction that if it be not enforced thousands of good Union men will be driven from their homes

who were taken in arms against the Government or who have in any way encouraged or pretended to encourage or promote any disturbance or breach of the peace to this city and to send an officer to report their arrival to Brigadier-General Pope at his headquarters on the corner of Fourth street and Washington avenue. You will also send a clear and concise statement of the offense of each individual. You will set at liberty all against whom no charges are established.

I am, colonel, respectfully, your obedient servant,

[C. A. MORGAN,]
Aide-de-Camp.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 20, 1861.

Col. CYRUS BUSSEY, *Keokuk, Iowa.*

COLONEL: I am directed by the general commanding to request you to examine all the prisoners taken by Colonel Moore, and to send under proper guard to the arsenal all who were taken in arms against the Government or who have been in any way concerned in the breaches of the peace or outrages, with a specification of the offense of each prisoner. You will set at liberty all against whom there is no authenticated charge.

I am, very respectfully, your obedient servant,

[C. A. MORGAN,]
Aide-de-Camp.

BARNUM'S HOTEL, SAINT LOUIS,
August 24, 1861.

Maj. Gen. JOHN C. FRÉMONT, *Saint Louis.*

SIR: The undersigned beg leave to call your attention to the state of things touching the public peace in Northern Missouri and to invoke the intervention of your authority immediately to correct the evils upon us and to avert the still greater ills with which we are threatened. The brigadier-general for the suppression of the rebellion and for the keeping of the peace in that region has adopted the policy of requiring each county to keep the peace within its own borders; in case of disorders to render up to the military authorities at brigade headquarters the disturbers of the peace or in default thereof to submit to the levy of such contributions on the inhabitants (loyal and disloyal alike) as will meet the expenses of a military force sufficient to restore order. Herewith find an order* of Brigadier-General Hurlbut which marks the policy. To this policy we submit most respectfully the following objections: First, it is without warrant of law. Second, it proposes to punish the innocent with the guilty—Union men with disunionists. Third, it is irritating to the people and deeply injurious to the Union cause. It has already driven thousands from our ranks who were formerly in co-operation with us. Fourth, it proposes to impose penalties prescribed by no law, civil, criminal, or military. Fifth, it assumes as its basis what is false in fact that the civil authorities of the country are capable of suppressing this monstrous rebellion—an assumption in the face of every step in this war from the President's first proclamation to the arming of the last regiment mustered into service.

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*See p. 213.

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We are with great respect, your obedient servants,

JOHN D. S. DRYDEN.

[And 11 Others.]

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 25, 1861.

Maj. Gen. JOHN C. FRÉMONT,
Comdg. Department of the West, Saint Louis, Mo.

GENERAL: In view of my conversation with you this morning I have the honor to report as follows:

The policy of making the people along the lines of railroad in North Missouri responsible for any damage done to the roads has perfectly secured them from destruction since it was established. The system of holding property of counties responsible for breaches of peace enlists by the only method possible the active agency of the secessionists in keeping down riots and disturbances. When so large a portion of the population sympathizes with the authors of the atrocious acts of guerrilla warfare which have hitherto disgraced North Missouri it is impossible to apprehend the perpetrators of such outrages. Since the population has been notified that their property would be made to pay the expense of suppressing such disturbances thousands of persons have taken an active part in preventing them who never did so before. Marion County from which came the protests against this policy has been the worst county in the State. At the request of a deputation from that county it was relieved from the first levy made for firing into a train on the Hannibal and Saint Joseph road but the troops which had been quartered at Palmyra had not proceeded three miles from the place before the train carrying them was fired into from the roadside and one man killed and several wounded. They are now under contribution for this second and aggravated charge.

I have received intelligence from persons of character in most of the counties of North Missouri stating that this policy alone and the fear of the penalty to property prescribed in it prevents the secessionists from driving out Union men and destroying their property. The secession papers in North Missouri are now entreating the population to preserve the peace because the leading State-rights men (secessionists) are made to serve on committees of safety against their will and their property is made responsible for any violence or breach of peace committed by their friends. Whenever it is discovered that the penalty set forth will not be executed I firmly believe that every county in North Missouri will be in a state of tumult and will require for the restoration of peace five times the force now needed. It is possible that some lukewarm Union men may turn secessionists under the operation of this policy but it is my sure conviction that if it be not enforced thousands of good Union men will be driven from their homes

and their property despoiled. By enforcing it in Marion County, the only place it has been necessary to do so, I feel sure there will result quiet in that section of country. Where outrages are so expensive they will not be repeated. The system of pursuing the perpetrators of these outrages can lead to no good results while so large a body of people sympathize with them. Its only effect is to break down and demoralize our forces, to carry distress and apprehension to districts hitherto quiet and to render our forces less and less fit for service.

I do not doubt from the results up to this time that the policy of holding property responsible is the true policy, and I firmly believe that if the penalty now hanging over Marion County be rigidly enforced there will be no occasion for anything of the kind there or elsewhere a second time. I therefore respectfully but earnestly request you to suffer this penalty to be exacted, lest a much worse thing befall that people hereafter. It is of course entirely in the power of the people of the various counties in North Missouri to keep the peace among themselves. If they will not do so it surely is not harsh to require that the expense of having it done should be paid by the county. No one will say that if this policy be abandoned there will be anything like quiet in North Missouri. It is the object of the protestants against it to have large forces of home guards paid and subsisted by the United States raised in their midst, so that much money will be distributed among them and the United States shall pay a large local police force of their own people. If they have to pay the expense themselves they will take care that nothing occurs that will render such a force necessary. It is to be borne in mind that the disturbances in North Missouri are purely local and personal and have no view to the result of the great operations of Government. The people in that region are merely fighting with each other in many cases to satisfy feelings of personal hostility of long standing. It is a war which can only be ended by making all engaged in it suffer for every act of hostility committed. As I am satisfied from personal examination and experience that this policy will keep North Missouri quiet with the smallest force and that a departure from it now will only result in an uprising in every county against the Union men which will require large forces to be withdrawn from here to put it down, I most urgently recommend that no favorable reply be made to those who have addressed you on this subject. On the one side there is the risk of alienating a few men hitherto half-way for the Union; on the other the risk of having a considerable portion of the people in every county of North Missouri in arms against the peace. One failure to enforce rigidly this penalty will destroy all belief that it will ever be enforced at all.

Respectfully, general, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS U. S. FORCES,
Jefferson City, Mo., August 25, 1861.

Capt. SPEED BUTLER, *Saint Louis, Mo.:*

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The party sent out by me to the neighborhood of where the cars were fired into on Tuesday has returned. The report has not yet been received but may be in time to accompany this. A few persons have

been arrested who are suspected of having been engaged in the firing. I have no reliable information as to the movements of McCulloch's forces but there is a current rumor here that he is moving toward this point. From a spy who came in yesterday I learn that companies are being organized in all the counties west of here. Some of these bands are acquiring considerable proportions. Many troops have crossed the Missouri River from the north within the last two weeks and are joining the forces on this side. If I had sufficient force all that could be stopped.

U. S. GRANT,
Brigadier-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 26, 1861.

Major-General FRÉMONT.

GENERAL: In order that the system of preserving the peace in North Missouri and protecting the railroads from destruction together with the reasons that suggested its adoption may be thoroughly placed before you I inclose the printed orders issued* and I ask your careful perusal of them in justice to myself. I have also to request that if it be decided to abandon this policy and release Marion County from a penalty justly incurred it be done through orders from these headquarters in order that my authority in North Missouri be not so impaired that I can no longer have that influence here which alone enables me to be of service.

Respectfully, general, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS U. S. FORCES,
Jefferson City, Mo., August 26, 1861.

Col. WILLIAM H. WORTHINGTON, *Fifth Iowa Volunteers:*

See E. B. McPherson, a true Union man, who will show you a copy of the Boonville Patriot. Bring all the printing material, type, &c., with you. Arrest J. L. Stevens and bring him with you and some copies of the paper he edits. Bailey is a particularly obnoxious person and should be arrested. B. S. Wilson & Co. have been furnishing the rebels with groceries. You may therefore pay him a visit and if you require it draw two or three days' supplies for your command, keeping an account of the amount taken, its value, &c. Give secessionists to understand what to expect if it becomes necessary to visit them again. Take all canteens you may find from a tin-shop which is reported to have been working for the rebels. It is reported that the proprietor of the ferry-boat has observed his part of the engagement entered into as far as practicable but there is no doubt that he is deceived daily as to the character of the parties he is crossing, and now so many will want to cross that his boat will be taken possession of if not given freely.

U. S. GRANT,
Brigadier-General.

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* See *ante.*

BOSTON, *August 27, 1861.*

Hon. SIMON CAMERON, *Secretary of War, Washington.*

SIR: The State of Missouri is so important to the Union that I suppose you will be glad of any information regarding it which comes from a reliable source. I hand you a few extracts from the late letters of Mr. Hayward, general agent of the Hannibal and Saint Joseph Railroad. Through the agencies of this line across the State he has great facility for obtaining information and judging of the progress of our cause in the northern portion of the State. His views with regard to the probable effect of measures which have been heretofore taken toward suppressing the rebellion in that vicinity have shown so clear a judgment as to give with us here much weight to his opinions.

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Very respectfully, your obedient servant,

J. W. BROOKS.

[Inclosure No. 1.]

Extract from letter of J. T. K. Hayward to J. W. Brooks, dated "Steamer Hannibal City, August 13, 1861."

I go down to-day with a committee from Palmyra to see what can be done to put a stop to the outrages perpetrated on the community by Government troops partly under orders of officers and partly without orders. I will state the case in part: Last week our trains were fired into several times about six miles west of Palmyra, in Marion County. On Thursday night a party of rebels came into Palmyra, disarmed a few Union men and did some trifling damage. I think there is good reason to believe that the cars were fired into by rangers from another county and without any knowledge of the people near them and that the course is disapproved and reprehended by nearly all. The citizens I think are generally opposed to violence and some of the leading secessionists interfered to prevent trouble and bloodshed when the rebel band visited Palmyra. Now to carry out General Pope's programme some 600 men are sent to Palmyra and the county court notified to provide them with rations and pay all expenses. In their failure the city council is notified to do it at county expense, and in their failure notice is given that they shall take it where they can most conveniently find it and that these men will be quartered there until they (the people) arrest and deliver over to military authority the men who have been guilty of these offenses. Yesterday as the rations were not forthcoming they sent out a company of troops and visited the stores and took enough for two days' rations, giving orders on the county. In addition contrary to all general orders many citizens were arrested without cause and generally soon discharged. Houses also have been opened and searched and for no good reason. Then as a sample of what is done by some officers last week a man named McAfee (speaker of the last house of representatives) was arrested. General Hurlbut ordered him to be set to digging trenches and pits for necessaries at which he was kept all one day when the mercury ranged about 100 degrees in the shade. A few days after he was taken from Macon to Palmyra and the general ordered him to be tied on the top of the cab on the engine. It was prevented by our men, who, when persuasion failed, the engineer swore he would not run the engine if it was done (and I upheld him in it), and as he was being marched to the engine to mount it the signal was given and the train started giving them barely time to get on the

cars. When there is added to this the irregularities of the soldiery—such as taking poultry, pigs, milk, butter, preserves, potatoes, horses and in fact everything they want; entering and searching houses and stealing in many cases; committing rapes on the negroes and such like things—the effect has been to make a great many Union men inveterate enemies and if these things continue much longer our cause is ruined. * * * I can fully substantiate all I have written.

[Inclosure No. 2.]

Extract from letter of J. T. K. Hayward to J. W. Brooks, dated "Steamer Jennie Deans, August 14, 1861."

I am on my way from Saint Louis home. I have waited on General Pope with a committee from our county and have succeeded in obtaining promises from him which are tolerably satisfactory. I hope he will carry them out.

The news of recent movements in the State is exciting and I fear its effect on our community. It is of great importance that the Government should be successful here and elsewhere now. The death of General Lyon casts a gloom over us all.

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There seems to be at present in our part of the State a disposition on the part of good citizens of secession sympathies to cease hostilities and urge those who will fight to enlist and join the regular forces. The partial success of the rebels and the fact that in greatly superior force they are constantly advancing into the State is what I most fear. On the other hand it is very strange with all our boasted superiority in men and resources that the rebels manage at nearly every point to meet our troops with greatly superior numbers. There are screws loose somewhere. I am tired of receiving blows. I want to see the war offensive on our part. This course of events will soon ruin our cause before the world.

[Inclosure No. 3.]

Extract from letter of J. T. K. Hayward to J. W. Brooks, dated "Hannibal, August 17, 1861."

Most of this week has been spent in efforts for peace and conciliation. Things were getting to such a pass here that no one felt safe and all could see that the matter as it was going on would soon be much worse and men on either side would be shot down at sight while property would be entirely insecure. I think it is a consciousness of this that has made our most respectable and leading secessionists manifest a desire of late to have a stop put to this irregular warfare. At least I have taken advantage of this disposition and worked with them—I trust to some purpose; it remains to be seen how much. Our train was fired into last night and one man killed and three wounded. It was a train mostly of soldiers. A ball passed close to the head of the conductor, aimed as is believed at him expressly. Two of our best runners have left in consequence of their trains being fired on. We intend however to run the road if Farley and myself have to go on the engines and run them. But we must have a change in our military rule here or we are helplessly gone. It is a load the Union men cannot bear.

Yours, truly,

J. T. K. HAYWARD.

[Inclosure No. 4.]

HANNIBAL, *August 19, 1861.*

J. W. BROOKS, Esq., *Boston.*

DEAR SIR: Our train was fired into yesterday. There were troops on board. No one hurt. If we cannot have a change in the administration of military affairs here in North Missouri our cause will be ruined. There are a good many rebel camps known to be within three to ten miles of the road; Union men constantly driven out; trains fired into, &c., and yet no effort made to attack them.

Yours, truly,

J. T. K. HAYWARD.

HEADQUARTERS U. S. FORCES,
Jefferson City, Mo., August 27, 1861.

Capt. SPEED BUTLER, *Saint Louis, Mo.:*

* * * The detachment that left here a few days since to arrest parties for firing into the cars west of here brought in a number of prisoners but from all the evidence they were the most innocent men in the county. I had them liberated.

* * * * * * *

U. S. GRANT,
Brigadier-General.

SAINT LOUIS, *August 30, 1861.*

Col. J. H. EATON, U. S. Army.

DEAR COLONEL: I inclose a special order on the subject of the policy pursued in North Missouri. This order is based upon a conversation with the general yesterday and before issuing it I wish to submit it to his approval. Will you please present it to him and get his approval? If you will return it to me as soon as you can that I may have it printed and sent off by mail (if the general approves) I shall be much obliged to you.

Very truly, yours,

JNO. POPE.

[Inclosure.]

SPECIAL ORDERS, No. 13. } HDQRS. DISTRICT OF NORTH MISSOURI,
Saint Louis, August 30, 1861.

In compliance with the representations of Governor Gamble, Hon. F. P. Blair and other well known citizens of Missouri and at their earnest request the provisions and requirements of Special [General] Orders, No. 3,* from these headquarters, are hereby suspended. Although it is the firm conviction of the general commanding in North Missouri that good policy and the peace of that section would have dictated the strict enforcement of the order yet he is willing to defer to the earnest wishes of the executive civil authority of the State and of the prominent citizens who are equally solicitous with himself that peace and

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* Order of July 31, 1861, p. 195.

quiet should be re-established in North Missouri. Neither the condition of the people nor the experience of the past month can fairly justify a departure from the policy which already has greatly reduced the extent and character of the disturbances in North Missouri, yet it is hoped that this cordial assent to the suggestions and the warmly expressed opinions of the executive and many of the most prominent citizens of the State will be received by the people in the spirit in which it is accorded and that the hopes of peace and quiet which these gentlemen base upon it will not be disappointed. It is proper, however, to warn the people of North Missouri and of the entire military district over which the commanding general in North Missouri has control that any abuse of this leniency will be instantly followed by results far more severe and difficult to bear than any which are now objected to.

By order of General Pope:

SPEED BUTLER,
Acting Assistant Adjutant-General.

PROCLAMATION.

HEADQUARTERS WESTERN DEPARTMENT,
*Saint Louis, August 30, 1861.**

Circumstances in my judgment are of sufficient urgency to render it necessary that the commanding general of this department should assume the administrative powers of the State. Its disorganized condition, helplessness of civil authority, and the total insecurity of life and devastation of property by bands of murderers and marauders who infest nearly every county in the State and avail themselves of public misfortunes in the vicinity of a hostile force to gratify private and neighborhood vengeance and who find an enemy wherever they find plunder finally demand the severest measures to repress the daily increasing crimes and outrages which are driving off the inhabitants and ruining the State.

In this condition the public safety and success of our arms require unity of purpose without let or hindrance to the prompt administration of affairs. In order therefore to suppress disorders, maintain the public peace and give security to the persons and property of loyal citizens I do hereby extend and declare established martial law throughout the State of Missouri. The lines of the army occupation in this State are for the present declared to extend from Leavenworth by way of posts of Jefferson City, Rolla and Ironton to Cape Girardeau on the Mississippi River. All persons who shall be taken with arms in their hands within these lines shall be tried by court-martial and if found guilty will be shot. Real and personal property of those who shall take up arms against the United States or who shall be directly proven to have taken an active part with their enemies in the field is declared confiscated to public use and their slaves if any they have are hereby declared free men.

All persons who shall be proven to have destroyed after the publication of this order railroad tracks, bridges or telegraph lines shall suffer the extreme penalty of the law. All persons engaged in treasonable correspondence, in giving or procuring aid to the enemy, in

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* See M. Jeff. Thompson's retaliatory proclamation, September 2, at p. 181.

fermenting turmoil and disturbing public tranquility by creating or circulating false reports or incendiary documents are warned that they are exposing themselves.

All persons who have been led away from allegiance are required to return to their homes forthwith. Any such absence without sufficient cause will be held to be presumptive evidence against them.

The object of this declaration is to place in the hands of military authorities power to give instantaneous effect to the existing laws and supply such deficiencies as the conditions of the war demand, but it is not intended to suspend the ordinary tribunals of the country where law will be administered by civil officers in the usual manner and with their customary authority while the same can be peaceably administered.

The commanding general will labor vigilantly for the public welfare and by his efforts for their safety hopes to obtain not only acquiescence but active support of the people of the country.

J. C. FRÉMONT,
Major-General, Commanding.

GENERAL ORDERS, No. 6. } HDQRS. WESTERN DEPARTMENT, *Saint Louis, Mo., August 30, 1861.*

The commanding general sincerely regrets that he finds it necessary to make any reproach to the patriotic army under his command. He had hoped that the rigid enforcement of discipline and the good example of the mass of the enlightened soldiery which he has the honor to lead would have been sufficient to correct in good time the irregularities and license of a few who have reflected discredit upon our cause and ourselves. But the extension of martial law to all the State of Missouri rendered suddenly necessary by its unhappy condition renders it equally imperative to call the army to good order and rigorous discipline.

They are reminded that the power to inflict the extraordinary severities of the now governing law is rigidly confined to few who are to be held strictly accountable for its exercise.

They are also reminded that the same necessity which requires the establishment of martial law demands also the enforcement of the military law which governs themselves with the same sudden severity. The commanding general therefore strictly prohibits all vexatious proceedings calculated unnecessarily to harass the citizens and also unauthorized searches, seizures and destruction of property except in cases of military necessity and for which the officer authorizing or permitting it will be held strictly and personally responsible. All officers commanding districts, posts or detachments are enjoined to use the utmost prudence and circumspection in the discharge of their duties. Under the circumstances a strict obedience to orders, close attention to duties and an earnest effort to protect and to avoid harassing innocent persons is requested and expected everywhere from officers and men.

The commanding general trusts that he will find few occasions to reproach the troops. He hopes and believes that he will find many to admire and commend them.

By order of Major-General Frémont:

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 31, 1861.

Colonel WILLIAMS, [*Third*] *Iowa Regiment, Brookfield.*

COLONEL: Immediately upon receipt of this letter you will proceed to Palmyra with all the effective men of your command, leaving the Missouri regiment (Morgan's) to occupy Brookfield and guard the public stores there. The object of your movement is to open the road which is reported to be obstructed near Palmyra and occupy Palmyra so as to insure the safety of travel. You will at once dispatch a messenger to General Hurlbut with the inclosed order and make sure that he gets it. You can send for your regimental baggage as soon as the road is clear as your station for some time to come will be Palmyra or Hannibal.

I am, colonel, your obedient servant,

[JNO. POPE,
Brigadier-General, Commanding.]

[Inclosure.]

HEADQUARTERS DISTRICT OF NORTH MISSOURI,
Saint Louis, August 31, 1861.

Brigadier-General HURLBUT, *Kirksville.*

GENERAL: Upon the receipt of this order and without the least delay you will move with your force upon Palmyra and reopen the road which has been obstructed. I cannot conceive how you could have remained ten days at Kirksville and allowed Green's forces to interrupt travel and commit outrages unopposed all through Marion County. Break up your camp at once and march on Palmyra. Moore is ordered to follow you and 500 of Bussey's cavalry will be sent from Keokuk to Hannibal. You have force enough and to spare and great surprise and dissatisfaction is expressed at department headquarters at your unexplained delay at Kirksville. Mr. Cassel will hand you orders concerning Paris which you will execute at once.

Respectfully, sir, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, September 4, 1861.

Col. J. C. DAVIS, *Commanding, Jefferson City.*

SIR: The major-general commanding orders that you cause Captain Magoffin, taken prisoner at Georgetown, Mo., to be sent forthwith with all other prisoners of the same character to the arsenal of this city. Send copies of accusations against them.

I am, sir, very respectfully, your obedient servant,

J. H. EATON,
Major, U. S. Army, and Military Secretary.

TROY, MO., *September 5, 1861.*

General JOHN C. FRÉMONT.

SIR: The committee of safety for the county of Lincoln appointed under the special order of Brigadier-General Pope in his absence from his headquarters at Saint Louis beg leave to report to you the condition of affairs in our county.

We have made several reports to General Pope of the movements of armed bodies of men in and through our county telling him that we were unable to control such movements within ourselves, and with the means of defense in the hands of our people and the general feeling toward us it would be impossible to disperse and break up the organization in our county while all the surrounding counties contribute to increase the members making the force entirely beyond our control.

For several days past quite a stir has been going on amongst these forces. Men have been gathering in from different quarters until now they are several hundred strong though considerably scattered. They have no regular encampment but we are informed that they have a camp of instruction at which they meet from day to day for military exercise. This place of meeting is situated about six miles south of Troy and about the same distance north of Millville on the North Missouri railroad.

Within the last few days several complaints have been made to us of depredations committed by small parties belonging to this organization upon some of our citizens. We have remonstrated against such proceedings and have succeeded in one or two instances of having horses restored that were taken. As yet we have heard of no threats or acts of violence toward any one. All is quiet with the exceptions mentioned. We see no signs of a forward movement of the forces around us; they will probably remain as they are unless disturbed. There is a continual passing in and out of our town of these men. They go to and fro without molestation making no disturbance with the exception of occasional noisy demonstrations produced from the effects of bad whisky. And if you will allow us the suggestion while on this point if the same regulations in regard to dram-shops as exist in Saint Louis were extended to this and every other county in the State the peace of the country generally would be better preserved. Give no permits to dram sellers or liquor dealers in any town or village unless recommended by a majority of the citizens through the committee of safety and the result will be for the general good of the people. As the condition of affairs demand we will report from time to time.

We are, truly, yours,

C. W. PARKER AND OTHERS,
Committee.

SAINT LOUIS, *September 6, 1861.*

Brigadier-General STURGIS, *Commanding at Arsenal.*

SIR: In order to put a stop to the robberies and violence committed by the rebel hordes under Green who are now assembled at Shelbina to the number of about 3,000 and who have cut off Colonel Williams from his eastern communication lines I have resolved upon a combined attack on the rebels and their annihilation.

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J. C. FRÉMONT,
Major-General, Commanding.

FORT LEAVENWORTH, KANS., *September 7, 1861.*

Major-General FRÉMONT:

The communications by rail and wire entirely cut off on the Hannibal and Saint Joseph. Lane reports the enemy's column marching on Lexington. Can a force attack from Jefferson City while Lane attacks from the west?

W. E. PRINCE.

HEADQUARTERS,
Fort Leavenworth, Kans., September 9, 1861.

General J. H. LANE,
Commanding Kansas Brigade, Fort Lincoln, Kans.

GENERAL:

* * * * * * *

I hope you will adopt early and active measures to crush out this marauding which is being enacted in Captain Jennison's name as also yours by a band of men representing themselves as belonging to your command. Captain Wilder will be able to give the details of their conduct at Leavenworth City, and doubtless their atrocities in other localities have been already represented to you. Please have a formal examination into the plundering of private and public buildings which has recently taken place as I am informed at Fort Scott. It will be necessary for representation to higher authority and for the adjustment of the accounts of disbursing officers.

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Very respectfully, your obedient servant,

W. E. PRINCE,
Captain, First Infantry, Commanding,

BROOKFIELD, *September 11, 1861.*

Maj. Gen. JOHN C. FRÉMONT:

I have command of this post some days but must have four pieces of artillery if I hold it much longer. The rebels are concentrating around in every direction and I know we will be attacked before long. This post and stores and round-house must be held. Over 200 of my command are aiding to build the Platte River bridge near Saint Joseph. No communication with General Pope since he has been on the road. Fifteen hundred of Green's forces commenced crossing the river about Glasgow yesterday, forty-five miles from here.

W. JAS. MORGAN,
Colonel.

HUDSON, *September 12, 1861.*

Major-General FRÉMONT:

It is altogether untrue that any bridges or culverts have been destroyed between this place and Hannibal as stated in the papers. Since my arrival in this section a trestle-work was destroyed by Green. It was repaired and day before yesterday spread out as the train passed over. It was a simple accident. It is now repaired and the

road is clear to Platte River. The news that Green has crossed at Glasgow is undoubted. He has carried out of North Missouri a large part of the ruffians and bridge-burners who have committed outrages. Within a few days all will be quiet again. I go forward to Saint Joseph and thence to Keokuk. I will have Glasgow and Brunswick immediately visited by a strong force, and as soon as the regiments of Glover, Moore, Tindall and Foster are ready I will turn the regiments to the line of the Missouri River.

JNO. POPE.

HEADQUARTERS WESTERN DEPARTMENT, U. S. ARMY,
Saint Louis, September 14, 1861.

Col. T. T. TAYLOR, *Commanding at Springfield.*

SIR: Yours of the 8th instant* containing an erroneous construction of my proclamation dated on the 30th ultimo has had my attention. I understand the object of your note to be to inquire whether it was my intention to shoot the wounded who might be taken prisoners by the forces under my command. The following paragraph extracted from the proclamation will be strictly enforced within the lines prescribed against the class of offenders for whom it was intended, viz:

> All persons who shall be taken with arms in their hands within these lines shall be tried by court-martial and if found guilty will be shot.

The lines are expressly declared to be those of the army in the military occupation of this State. You have wholly misapprehended the meaning of the proclamation. Without undertaking to determine the condition of any man engaged in this rebellion I desire it to be clearly understood that the proclamation is intended distinctly to recognize all the usual rights of an open enemy in the field and to be in all respects strictly conformable to the ordinary usages of war. It is hardly necessary for me to say that it was not prepared with any purpose to ignore the ordinary rights of humanity with respect to wounded men or to those who are humanely engaged in alleviating their sufferings.

Respectfully, your obedient servant,

J. C. FRÉMONT,
Major-General, Commanding.

SAINT JOE, *September 15, 1861.*

Major-General FRÉMONT:

Road to Hannibal open except Platte River bridge (finished tomorrow) and all quiet. Secessionists numbering some 2,500 in detached bands retreating southward to cross river below Independence. I have sent column of 1,000 men and three pieces of artillery under Colonel Smith to march rapidly from this place in pursuit, and the Iowa regiment with one piece of artillery and fifty irregular horse to move rapidly from Cameron upon Liberty and there effect junction with Smith. There is no doubt in my judgment that the large train of plunder will be captured, though as usual I presume the forces will disperse, and being cavalry will mostly escape unless Smith can surprise them. I have put all irregular forces—home guards and others—in motion scouting the country on all sides. Colonels Cranor and Edwards—the first commanding irregular forces of Missouri Volunteers,

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* Omitted.

the second about 600 Iowa State troops—will be here to-day having swept whole region north of this place clean. I put them immediately in motion along both sides of railroad to clean out the small squads remaining in the woods from Saint Joseph to Chillicothe. In five days North Missouri will be again quiet and the regiments of Tindall, Moore, Foster, Morgan and Glover will return. So you will please send Tindall's regiment as soon as possible to Chillicothe.

I go east to-day to urge into the field the regiments named. There are some disturbances of minor importance in the extreme northeast and I must get to Canton and Keokuk without awaiting the return of Smith's command. Can Glover and Bussey get their cavalry armed at once?

JNO. POPE,
Brigadier-General.

HUDSON, MO., *September 16, 1861.*

General FRÉMONT:

Just arrived here on my way to Keokuk. Find Ohio regiments on their way to Utica. If you can send Tindall's regiment to Chillicothe immediately the Sixteenth Illinois and Third Iowa can also be forwarded to Lexington. There will be no more considerable trouble in North Missouri.

JNO. POPE,
Brigadier-General.

QUINCY, ILL., *September 17, 1861.*

Major-General FRÉMONT:

Arrived here last night but did not find boat I had requested to be sent from Saint Louis to carry me from Canton to Keokuk. Cannot do my business without her. There is now no difficulty in North Missouri nor do I believe that fifty armed men can get together in the region south of Knox and Lewis Counties. Shall be up there as soon as I can get a boat. Railroad all clear and will remain so and will return to Saint Louis as soon as I finish up the river. Bussey and Glover need their cavalry arms.

JNO. POPE.

HEADQUARTERS WESTERN DEPARTMENT,
Franklin, October 15, [*1861*].

Col. J. H. EATON, *Acting Assistant Adjutant-General:*

Big River bridge seven miles below De Soto on Iron Mountain Railroad was burned last night. I have no particulars and don't understand it as a sufficient guard was there. Shall go down to see to it and will telegraph.

CHESTER HARDING, JR.,
Brigadier-General.

GENERAL ORDERS, No. 1. } HEADQUARTERS,
Quincy, Ill., October 17, 1861.

I. Having been assigned to duty in Northeastern Missouri by instructions from Brigadier-General Prentiss, commanding, dated Jef-

ferson City, October 17, 1861, the undersigned hereby assumes command of all that territory bordering on and lying north of the Hannibal and Saint Joseph Railroad.

II. All orders now in force will be continued until further orders.

J. B. S. TODD,
Brigadier-General, Commanding Northeast Missouri.

HEADQUARTERS POST,
Rolla, Mo., October 24, 1861.

Capt. CHAUNCEY MCKEEVER,
Assistant Adjutant-General, Saint Louis, Mo.

CAPTAIN: I have as prisoners several of the Harris and Wood gang of rebels and thieves who have been the terror of all Union men in the adjoining counties. Most of them are members of Johnson's band and have murdered, robbed and committed almost all other crimes against Union men. The evidence against them is mostly in the adjoining counties and hard to procure. Several of them once took the oath. What shall I do with them?

I am, very respectfully, your obedient servant,

G. M. DODGE,
Colonel, Commanding.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, October 26, 1861.

Col. G. M. DODGE,
Fourth Iowa Volunteers, Commanding, Rolla, Mo.

SIR: Your letter of the 24th instant in relation to prisoners taken belonging to Harris's and Wood's gang of rebels has been received. In reply I beg leave to state that I do not know what disposition can be made with these men as there is no military commission in session here. I think, however, the best course to have pursued would have been to have shot them when they were captured.

I am, sir, very respectfully, your obedient servant,

CHAUNCEY MCKEEVER,
Assistant Adjutant-General.

SAINT LOUIS, *November 16, 1861.*

Major-General HALLECK,
Commanding Department of the West.

DEAR SIR: Permit a stranger to submit the following suggestive remarks: Many of the older and more substantial citizens are of the opinion that a decided majority of the people of Missouri last spring were Union in sentiment. Now excluding the Germans certainly not less than three-fourths are secessionists at heart. In the earlier part of spring commenced the formal organization of citizens of avowed rebel sentiments into companies and regiments to aid in destroying the Federal Government, or informally into bands under ringleaders without even the color of commissions from either the State or Southern Confederacy, having the avowed object of exercising arbitrary surveillance over the person and property of loyal citizens if not also by

intimidation driving them from the State. Since the initiation of these organizations anarchy has measurably prevailed and both parties have been and are yet in open armed antagonism. The Federal Army was driven from its extreme southern occupation of Carthage, the State penetrated beyond its center by the Confederate Army, aided and abetted in its march by large masses of Missourians operating singly, in squads, by individual organizations of great numerical strength, all, however, united in besieging and reducing the Federal intrenchments at Lexington; all since, however, retiring—the Confederate Army to the border, its followers to their local field of operation or to their homes, the former followed by a large Federal Army to a position in the rear of that possessed in the spring.

Thus practically closes the campaign of 1861 in Missouri. The result: the abandonment of the State by a large moiety of her best and most industrious citizens; the devastation of the property and utter ruin of a still larger portion; the rendering inoperative of civil law if not in fact its surrender to the martial and the chiefs of the marauding gangs; the utter and complete destruction of the industry and prosperity that characterized the State; the rendering it hazardous to the person or life of the law-abiding citizen to pass alone through nearly or quite every county in the State, and last but not least disaffected a material portion of the citizens, rousing the majority in the State as remarked in the outset to secession—all principally attributable I apprehend to tolerating the organization into squads and armies the disaffected of the State instead of seizing upon the leaders before their plans were fully developed, and to the rose-water policy pursued with them after committing overt acts.

The secessionists can very properly be divided and classed as follows: first, those who are in sympathy and heart only with the Confederates; second, those who abandon their homes and regularly enlist in the rebel army participating in its fortunes; third, those who compose the guerrilla portion. The two first may be said to command a certain amount of respect—the one for his neutrality the other as a belligerent—while the third is to be despised as a sneak, highwayman and bandit. It is this last class who afford the information, aid and comfort absolutely necessary to enable the Confederate Army to successfully penetrate the State from Arkansas. It is the ringleaders of this class whom it is necessary to reach and summarily treat before peace can prevail in Missouri; for without their aid and instigation the followers are harmless by reason of natural imbecility and lack of courage and the Southern army deprived and made nearly inoperative in the State for their countenance. It is not sufficient to deal with the ringleaders by arresting and imprisoning them through form of law: they must be seized singly at times and places (such as at their own fireside) when least expected; and if they offer the least resistance to be instantly shot, otherwise to be for form sake tried by military commission and forthwith shot.

Probably 100 seizures made on this principle in the State within thirty to sixty days at times and places to not indicate design or concert of action, &c., will do more to secure peace to the State than the entire army, and prevent the assassination hereafter of hundreds of loyal, peaceable citizens, besides the loss of the thousands who will fall in battle and by disease. You will perceive that I draw a marked distinction between secessionists and propose only to treat in a summary manner the ringleaders, the others being left to the civil law or to the fate of the vanquished in honorable warfare. The reason I advise summary

dealing with ringleaders only originates from an extensive knowledge and dealing second to but few with the class of men thus to be directly or indirectly affected, it being the most immediately effective and potent cure for the mania permeating the minds of persons engaged in law-defying combinations such as the marauding parties of Missouri, mobs and banditti.

My apology for this letter originates in the fact that bankruptcy stares myself and all others in the face unless this war is speedily terminated and the States en masse restored to their former peaceful relation, firmly believing that the policy suggested if carried out will soon enable the mass of the Federal Army to be withdrawn from the State leaving the onus of preserving peace where it rightfully belongs—upon its own citizens.

I am, with the highest consideration, your obedient servant,

ERASMUS GEST.

SAINT LOUIS, *November 20, 1861.*
(Received November 20).

General MCCLELLAN,
For the President of the United States:

No written authority is found here to declare and enforce martial law in this department. Please send me such written authority and telegraph me that it has been sent by mail.

H. W. HALLECK,
Major-General.

[Indorsement.]

NOVEMBER 21, 1861.

If General McClellan and General Halleck deem it necessary to declare and maintain martial law at Saint Louis the same is hereby authorized.

A. LINCOLN.

HEADQUARTERS TWENTY-SEVENTH MISSOURI VOLUNTEERS,
Sedalia, Mo., November 23, 1861.

Major-General HALLECK.

SIR: Will you permit me as a citizen of Missouri and one who has taken a deep interest in sustaining the Union cause in our State, devoting my time and money as freely as any other man, to make a statement in regard to the condition of affairs in Western Missouri between the Osage and Missouri Rivers? * * * The population in part of this part of the State are wealthy and desperate men and will do just as good fighting without a general as with one.

Hence the peculiar state of affairs which exists among us as a people at this time. Murder, rapine and robbery pervade every county and neighborhood in this part of the State where there are no U. S. troops. No man or his family or property will be safe a single day after he is known to be a Union man or sympathizes with our efforts to sustain the Government and its authority over our State. Nothing but prompt and energetic measures on the part of our Government will save our population from murder and starvation. The rebels have

declared that no Union man shall remain in this part of the State and you may rest assured that they mean to do just what they say. If the Government intends to extend protection to the people of Western Missouri it must be done at the earliest day possible or it will not be worth protecting as the rebels are stealing and robbing the Union citizens of money, personal property, such as cattle, horses, mules, hogs, sheep, household goods, bed clothing and even the wearing apparel of the females of Union families.

I am, very respectfully, your obedient servant,

JAMES D. EADS,
Colonel Twenty-seventh Missouri Volunteers.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, November 25, 1861.

Maj. Gen. H. W. HALLECK, U. S. Army,
Commanding Department of the Missouri, Saint Louis, Mo.

SIR: In reply to your telegram of the 20th instant the general-in-chief desires you to give your views more fully as to the necessity of enforcing martial law in your department, and if you think the necessity is sufficiently pressing for such a step to mention the names and addresses of the officers to whom you think the power should be given.

I am, sir, &c

L. THOMAS,
Adjutant-General.

PROCLAMATION.

[KANSAS CITY, MO., *November 27, 1861.*]

TO THE PEOPLE OF JACKSON, LAFAYETTE,
CASS, JOHNSON, AND PETTIS COUNTIES, MO.:

I have come among you with my command under the authority of the General Government for the purpose of protecting the supply trains and all other property of the United States Government and for the purpose of throwing a shield of protection and defense around all men who are loyal to that Government.

No excesses will be committed by any soldier in my command.

We march to enforce the laws and sustain the Government. Every loyal citizen is expected to give evidence of his loyalty by active efforts for the protection of the flag. For four months our armies have marched through your country; your professed friendship has been a fraud; your oaths of allegiance have been shams and perjuries. You feed the rebel army; you act as spies while claiming to be true to the Union. We do not care about your past political opinions; no man will be persecuted because he differs from us. But neutrality is ended. If you are patriots you must fight; if you are traitors you will be punished.

The time for fighting has come. Every man who feeds, harbors, protects or in any way gives aid and comfort to the enemies of the Union will be held responsible for his treason with his life and property. While all the property of Union men and all their rights will be religiously respected traitors will everywhere be treated as outlaws—

enemies of God and men—too base to hold any description of property and having no rights which loyal men are bound to respect. The last dollar and the last slave of rebels will be taken and turned over to the General Government.

Playing war is played out, and whenever Union troops are fired upon the answer will boom from cannon and desolation will follow treason. Loyal citizens will be fully remunerated for all property taken from them for the use of the army.

All land between Fort Leavenworth and the headquarters of the Army of the West is under the jurisdiction of the United States and we propose to have a regular road over it and sure communication through it no matter at what cost of rebel treasure and blood.

It is hoped that you will see the necessity of abiding by the laws and actively sustaining them. But if you raise an arm against the Government we have sworn to protect the course I have briefly marked out I will follow to the letter.

C. R. JENNISON,
Colonel, Commanding Seventh Kansas Cavalry.

HEADQUARTERS SECOND DIVISION,
Syracuse, November 28, 1861.

Capt. J. C. KELTON:

I have two prisoners in my possession one of whom was taken with arms in his hands; the other was an expressman sent forward to advise the guerrilla party camped near Marshall of the approach of the forces sent from this command. Both belong to the guerrilla parties which have so long infested Missouri and which make war regardless of all law and obligation of authority. I have the honor to request to know what disposition to make of such prisoners as they are taken every day.

I am, sir, respectfully, your obedient servant,

[JNO. POPE,]
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, November 30, 1861.

Maj. Gen. GEORGE B. MCCLELLAN,
Commander-in-Chief, Washington, D. C.

GENERAL: There can be no doubt that the enemy is moving north with a large force and that a considerable part of Northern Missouri is in a state of insurrection. The rebels have organized in many counties, taken Union men prisoners, and are robbing them of horses, wagons, provisions, clothing, &c. There is as yet no large gathering in any one place so that we can strike them.

To punish these outrages and to arrest the traitors who are organizing these forces and furnishing supplies it is necessary to use the military power and enforce martial law. I cannot arrest such men and seize their papers without exercising martial law for there is no civil law or civil authority to reach them. The safety of Missouri requires the prompt and immediate exercise of this power, and if the President is not willing to intrust me with it he should relieve me from the command. It is and has been for months exercised here by my predecessors but I cannot find any written authority of the President for doing

so. I mean to act strictly under authority and according to instructions and where authority will not be granted the Government must not hold me responsible for the result.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

Maj. Gen. HENRY W. HALLECK,
Commanding in the Department of Missouri.

GENERAL: As an insurrection exists in the United States and is in arms in the State of Missouri you are hereby authorized and empowered to suspend the writ of habeas corpus within the limits of the military division under your command and to exercise martial law as you find it necessary in your discretion to secure the public safety and the authority of the United States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed at Washington, this 2d day of December, A. D. 1861.

ABRAHAM LINCOLN.

By the President:

WM. H. SEWARD,
Secretary of State.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 4, 1861.

Col. L. F. ROSS,
Commanding U. S. Forces, Cape Girardeau, Mo.:

Your communication of yesterday is received and the following instructions are given in reply: You will require Colonel Murdoch to give over to the quartermaster all property taken by them from citizens of Missouri. Such as may be reclaimed by owners you will direct to be returned unless taken from persons directly giving aid and comfort to the enemy. When you know of depredations being committed by armed bodies of rebels within reach of you you can use your own discretion about the propriety of suppressing them. I know your views about allowing troops to interpret the confiscation laws therefore no instructions are required on this point.

One thing I will add: In cases of outrageous marauding I would fully justify shooting the perpetrators down if caught in the act—I mean our own men as well as the enemy. When you are satisfied that Thompson's men are coming in with honest intentions you may swear them, but in this matter I would advise great caution. As a rule it would be better to keep them entirely out of your camp or confine them as prisoners of war. A few examples of confinement would prevent others from coming in.

U. S. GRANT,
Brigadier-General, Commanding.

GENERAL ORDERS, No. 13. } HDQRS. DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., December 4, 1861.

I. Lieut. Col. Bernard G. Farrar is hereby appointed provost-marshal-general of this department. Capt. George E. Leighton is provost-

marshal of the city of Saint Louis and its vicinity. All local provost-marshals will be subject to the orders of the provost-marshal-general who will receive his instructions direct from these headquarters.

II. It is represented that there are numerous rebels and spies within our camps and in the territory occupied by our troops who give information, aid and assistance to the enemy; that rebels scattered through the country threaten and drive out loyal citizens and rob them of their property; that they furnish the enemy with arms, provisions, clothing, horses and means of transportation; and that insurgents are banding together in several of the interior counties for the purpose of assisting the enemy to rob, to maraud and to lay waste the country. All such persons are by the laws of war in every civilized country liable to capital punishment. The mild and indulgent course heretofore pursued toward this class of men has utterly failed to restrain them from such unlawful conduct. The safety of the country and the protection of the lives and property of loyal citizens justify and require the enforcement of a more severe policy. Peace and war cannot exist together. We cannot at the same time extend to rebels the rights of peace and enforce against them the penalties of war. They have forfeited their civil rights as citizens by making war against the Government and upon their own heads must fall the consequences.

III. Commanding officers of districts, posts and corps will arrest and place in confinement all persons in arms against the lawful authorities of the United States, or who give aid, assistance or encouragement to the enemy. The evidence against persons so arrested will be reduced to writing and verified on oath and the originals or certified copies of such affidavits will be immediately furnished to the provost-marshal-general in this city. All arms, ammunition and other personal property required for the use of the army, such as horses, wagons, provisions, &c., belonging to persons so in arms or so assisting and encouraging the enemy will be taken possession of and turned over and accounted for. Such property not of a proper character for issue will be examined by a board of officers and sold as directed by the Army Regulations.

IV. Commissions will be ordered from these headquarters for the trial of persons charged with aiding and assisting the enemy, the destruction of bridges, roads and buildings, and the taking of public or private property for hostile purposes and also for the condemnation of property taken by our forces from disloyal inhabitants for the use of the army.

V. In all certificates given for private property taken for public use in accordance with General Orders, No. 8, of this department, it will be stated whether the property was taken from loyal or disloyal persons and as a test of the loyalty of persons claiming to be such from whom property is so taken officers commanding districts, posts, divisions or separate brigades are authorized to appoint some competent and reliable officer to require and administer the usual oath of allegiance to the United States.

VI. All persons found in disguise as pretended loyal citizens or under other false pretenses within our lines giving information to or communicating with the enemy will be arrested, tried, condemned and shot as spies. It should be remembered that in this respect the laws of war make no distinction of sex; all are liable to the same penalty.

VII. Persons not commissioned or enlisted in the service of the so-called Confederate States who commit acts of hostility will not be

treated as prisoners of war but will be held and punished as criminals. And all persons found guilty of murder, robbery, theft, pillaging and marauding under whatever authority will either be shot or otherwise less severely punished as is prescribed by the Rules and Articles of War or authorized by the usages and customs of war in like cases.

VIII. The law of military retaliation has fixed and well-established rules. While it allows no cruel or barbarous acts on our part in retaliation for like acts of the enemy, it permits any retaliatory measures within the prescribed limits of military usage. If the enemy murders and robs Union men we are not justified in murdering and robbing other persons who are in a legal sense enemies to our Government but we may enforce on them the severest penalties justified by the laws of war for the crimes of their fellow rebels. The rebel forces in the southwestern counties of this State have robbed and plundered the peaceful non-combatant inhabitants, taking from them their clothing and means of subsistence. Men, women and children have alike been stripped and plundered. Thousands of such persons are finding their way to this city bare-footed, half clad and in a destitute and starving condition. Humanity and justice require that these sufferings should be relieved and that the outrages committed upon them should be retaliated upon the enemy. The individuals who have directly caused these sufferings are at present mostly beyond our reach; but there are in this city and in other places within our lines numerous wealthy secessionists who render aid, assistance and encouragement to those who commit these outrages. They do not themselves rob and plunder but they abet and countenance these acts in others; although less bold they are equally guilty. It is therefore ordered and directed that the provost-marshals immediately inquire into the condition of the persons so driven from their homes and that measures be taken to quarter them in the houses and to feed and clothe them at the expense of avowed secessionists and of those who are found guilty of giving aid, assistance and encouragement to the enemy.

IX. The laws of the United States confiscate the property of any master in a slave used for insurrectionary purposes. Should Congress extend this penalty to the property of all rebels in arms, or giving aid, assistance and encouragement to the enemy such provisions will be strictly enforced. Military officers do not make laws but they should obey and enforce them when made.

X. Where the necessities of service require it the forced labor of citizens, slaves and even prisoners of war may be employed in the construction of military defenses, but no one will be forced to such labor without orders from these headquarters, except in case of siege or attack. All persons so impressed will be fed and quartered at the public expense and an account be taken of their labor to be settled as may be directed by the War Department. All such working parties will be strictly guarded and kept as far as possible from communicating with the command where employed.

XI. These orders may by some be regarded as severe but they are certainly justified by the laws of war and it is believed they are not only right but necessary; it is therefore expected that all loyal citizens in this department will assist the military authorities in strictly enforcing them. There is already a large military force in this State which is daily increasing in numbers and improving in organization and discipline. In a few weeks this force will be able not only to expel or punish all traitors and rebels but also to strike the enemy in his strongholds.

XII. All communications relating to prisoners of war will be directed to the provost-marshal-general to be by him laid before the commanding general daily at orderly hours.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SEDALIA, *December 9, 1861.*

General HALLECK:

Colonel Magoffin, C. S. Army, asks for an interview with me. Shall I grant it? They say he is tired of the war.

F. STEELE,
Colonel, &c.

SEDALIA, *December 9, 1861.*

General POPE, *Syracuse:*

Several loyal citizens have requested me to give Colonel Magoffin a safeguard to go home to see his wife die; she cannot last but a day or two. Please answer immediately.

F. STEELE,
Colonel, Commanding.

[Indorsement.]

What shall be done? I have telegraphed that if Colonel Magoffin will give his parole he can be permitted to go on, otherwise I cannot.

JNO. POPE,
Brigadier-General.

SEDALIA, *December 21, 1861.*

Major-General HALLECK:

Prisoners and arms go down to-morrow. I find among the prisoners after telegraphing you the notorious Colonel Magoffin who has lately violated his parole. He was conspicuous in the skirmish. I send him under charge of the guard in close confinement. Col. J. C. Davis goes in charge. His conduct was distinguished and will be properly noticed in my report. I hope he will not be detained in Saint Louis as he is much needed here.

JNO. POPE,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, December 22, 1861.

Major-General HALLECK:

I beg to state in reference to prisoners sent down in charge of Colonel Davis that much care should be observed in the examination and disposal of them which perhaps the provost-marshal-general in Saint Louis may not give. Many of the prisoners are the most dangerous men in this whole State and have been the most active and influential

in fomenting disturbances. One in particular, a Doctor Smith, is a man of large wealth owning nearly 200 negroes. Some of them are not legitimately connected with the rebel forces and not entitled to the rights of prisoners of war. I suggest this to you lest some mistake be made in the office of the provost-marshal and men dangerous to the peace in a much greater degree and with less excuse than officers or enlisted men be turned loose on the country.

I am, general, respectfully, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

GENERAL ORDERS, No. 32. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, Mo., December 22, 1861.*

I. Insurgent rebels scattered through the northern counties of this State which are occupied by our troops under the guise of peaceful citizens have resumed their occupation of burning bridges and destroying railroads and telegraph wires. These men are guilty of the highest crime known to the code of war and the punishment is death. Any one caught in the act will be immediately shot, and any one accused of this crime will be arrested and placed in close confinement until his case can be examined by a military commission and if found guilty he also will suffer death.

II. Where injuries are done to railroads or telegraph lines the commanding officer of the nearest post will immediately impress into service for repairing damages the slaves of all secessionists in the vicinity and if necessary the secessionists themselves and their property. Any pretended Union man having information of intended attempts to destroy such roads and lines or of the guilty parties who does not communicate such intention to the proper authorities and give aid and assistance in arresting and punishing them will be regarded as *particeps criminis* and treated accordingly.

III. Hereafter the towns and counties in which such destruction of public property takes place will be made to pay the expenses of all repairs unless it be shown that the people of such towns or counties could not have prevented it on account of the superior force of the enemy.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 23, 1861.

Brig. Gen. B. M. PRENTISS, *Palmyra, Mo.:*

You will immediately repair to North Missouri Railroad and take command of forces there. Our troops are moving from Jefferson City, Hermann, Warrenton and Troy against bridge-burners. Kill or capture them. Keep me advised of your movements and force.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 23, 1861.

Lieut. Col. FRANK J. HERRON,
Commanding, Pacific City, Mo.:

Look out for bridge-burners. It is reported that concerted attempts will be made to destroy railroads and telegraph lines. Shoot down every one making the attempt.

H. W. HALLECK,
Major-General.

NOTE.—A like telegram was sent to the following places: Commanding officer at Sedalia, Otterville, Syracuse, Tipton, Jefferson City, Hermann, Rolla, Sulphur Springs, Mineral Point, Ironton, Chillicothe, Cameron, and St. Joseph.

SPECIAL ORDERS, No. 14.

You are hereby ordered to immediately cause to be destroyed all railroad bridges and telegraph wires in your vicinity.

By command of Maj. Gen. S. Price:

HENRY LITTLE,
*Assistant Adjutant-General.**

HEADQUARTERS EIGHTEENTH MISSOURI VOLUNTEERS,
Camp Osborn, December 24, 1861.

Major-General HALLECK, *Saint Louis.*

DEAR GENERAL: I send you the proclamation which I had caused to be issued for this rebellious district and which I think is producing a very salutary effect. This is reported the most wealthy county in the State outside of Saint Louis and has been built up with the products of the soil sold to the Government at Fort Leavenworth. I have sworn in about 800 citizens and I have two arrested for stating that they did not regard the oath. I think if I have them shot and make an example I can have peace and the parties who take the oath will regard it in future. Please advise me what course to pursue or leave it to my own discretion.

I remain yours, with esteem,

W. JAMES MORGAN,
Colonel, Commanding this District.

[Inclosure.]

PROCLAMATION.

WESTON, *December 9, 1861.*

TO THE CITIZENS OF WESTON AND PLATTE COUNTY:

By orders from headquarters of the Army of North Missouri I occupy the city of Weston and surrounding country with the force under my

* Confederate. Printed as received—without date or address. This order was probably issued several days earlier than the Halleck dispatch preceding it, but it is inserted here for the obvious purpose of making more clear some of the events of this period.

command and take charge of the Platte County railroad. Two bridges had been destroyed within six miles of this town which I have repaired, and now I call upon and expect the loyal citizens of this county to aid me in keeping it from being further disturbed. If any man knowingly allows said road, the engines, cars or other property belonging to it to be injured without giving me immediate notice he shall be held responsible. If necessary for the protection of the road I shall cause troops to be stationed at or near the different bridges occupying the houses and buildings belonging to the rebels in the neighborhood. My regiment was raised in Missouri and it is my hearty wish to cultivate a friendly feeling wherever it may be stationed. I came among you for the sole purpose of giving protection to the loyal people or those who may desire to become so and I wish to encourage all lawful pursuits and avocations.

It has been reported to me that many citizens have left their homes and families scattering themselves through the country. All such I desire to have return at once and become good, loyal citizens. They and their property shall be protected when they give evidence of loyalty. I have appointed Maj. Alfred Williams to act as provost-marshal for the city of Weston and County of Platte. Every person leaving the city or county will be required to obtain a passport from him. No negro will be allowed inside of camp lines without a written permit from his master and a pass from the provost-marshal, and especially will they in no case be allowed to go from the State without express orders from their master and the provost-marshal.

All fire-arms and ammunition in this city and vicinity not in possession of officers or soldiers in the U. S. service must be delivered up to the provost-marshal except with express license to the contrary. All squads of armed men found spying about the country will be shot. This will be rigidly adhered to.

W. JAMES MORGAN,
Colonel Eighteenth Regiment Missouri Vols., Commanding Post.

COLUMBIA, MO., *December 26, 1861.*

General HALLECK:

I returned last night from Colonel Birge's camp at Centralia on the North Missouri Railroad, and at the time of my leaving he was preparing to march toward Sturgeon, ten miles west, where Lieutenant-Colonel Compton with several companies was stationed and where his headquarters will be for the present. Colonel Birge although without cavalry is doing good service, but would be much more efficient if half of his men were mounted.

The woods skirting the prairies swarm with armed rebels on horseback and if you want the men who burned the bridges and who tore up the track of the railroad now is the time to strike. Many of them are known for many of them live in this town and county and along the line of the road. We have their names, know them and they can be taken; but to do this cavalry is required and required now. Infantry especially in this rigorous weather can do little else than guard prisoners and camp-stores. This arm of the service never can strike effectually the bushwhackers and bridge-burners who infest the country.

I write therefore earnestly to urge you to order from Jefferson City or elsewhere to this place where we have excellent quarters for soldiers three or four companies of cavalry, assuring you that they will very

soon send to your headquarters scores of the rebel incendiaries and returned soldiers from Price's army. Of the latter the country is full. There are at least from ten to twenty in this town at this moment.

The great number of returned rebel soldiers throughout this and other counties north of the river induces the suggestion that in all probability it is the purpose of Price to get most of his army over here scattered all through the country, and finally if possible to cross over himself and by a preconcerted movement assemble in full force at some prearranged point. He may look to the freezing of the river as a means of crossing it.

Be this as it may now is the time to strike the bridge-burners and scatter the roving bands of rebels who are destroying the peace of the country, pillaging Union men of their property and arresting them.

Two or three companies of Colonel Birge's sharpshooters might be quartered for the winter in this place, with a cavalry force to scour the country to strike the vandals and disperse bands of armed rebels. Infantry cannot do this. If you wish it done; if you wish to avoid the necessity of having to fight on the south side of the river thousands upon thousands of armed secessionists send us on the north side a few companies of cavalry (to stay here) and the work will be done.

Very truly,

[W. F. SWITZLER.]

OTTERVILLE, *December 27, 1861.*

Major-General HALLECK.

DEAR SIR: This letter will inform you that myself and many other loyal citizens residing in the south portion of Benton and the north portion of Dallas and Hickory Counties have been driven from our homes and have had to leave all that we possessed to be devoured by a worse than savage enemy and fly for refuge to the Federal army stationed along the railroad. I find the Federal army at many points on the railroad badly furnished with winter quarters, and I think if you would send as many as two regiments to Warsaw, the county seat of Benton County, thirty-three miles south of Sedalia, they would find empty houses enough for comfortable winter quarters and also give protection to many good, loyal citizens and save a vast amount of property that is now being stolen and destroyed by small guerrilla bands of rebels that are now ravaging the country. If two or three regiments of infantry and two or three companies of cavalry to act as scouts were stationed at Warsaw to give protection to the country the telegraph could very soon be put in operation to Warsaw which would greatly facilitate our communication with the southwest. We, however, submit all to your wiser judgment, and sincerely hope that an unerring Providence will direct you to make such a disposition of our army as will soonest put down the rebellion and restore peace and happiness to our beloved country.

THOMAS JACKMAN.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, December 29, 1861.

Colonel DEITZLER, *Commanding First Kansas:*

You will repair from this place by the most direct route to Lexington and thence by the road which most nearly follows the river to Independence and Kansas City. You will break up all secession camps

you may hear of, disarm all persons who cannot give undoubted proof of loyalty and arrest and take to Kansas City all persons who have been concerned in aiding the enemy. You will take such steps as are necessary to bring to punishment all persons along your route who have violated the peace or have in any way contributed to the support or countenance of Price's army. When you reach Kansas City you will report to Major-General Hunter, commanding Department of Kansas. Please hand the inclosed letter to the commanding officer of any portion of the forces named in it.

Respectfully, sir, your obedient servant,

JNO. POPE,
Brigadier-General, Commanding.

[Inclosure.]

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, December 29, 1861.

To the officers commanding detachments of Eighth Iowa, Seventh Missouri, light artillery, and cavalry belonging to forces in this department:

Immediately upon receipt of this order you will concentrate your forces at Kansas City where the senior officer present will assume the command. He will then proceed to Sedalia by way of Pleasant Hill and Warrensburg breaking up and dispersing all camps of rebels and armed squads, disarming every person who cannot give undoubted proof of loyalty and arresting and bringing to Sedalia all persons concerned in any way in having given aid, assistance or countenance to Price's army.

JNO. POPE,
Brigadier-General, Commanding.

SAINT LOUIS, *December 30, 1861.*

W. F. SWITZLER, Esq., *Columbia, Mo.*

SIR: Your letter of the 26th is just received. Most of your suggestions have already been carried out and I think that by this time the insurgents in Boone and adjacent counties are pretty well cleaned out. My orders of the 22d instant* will sufficiently indicate the policy I intend to pursue against these incendiaries. I hope all Union men will assist the military in bringing them to justice. I intend to make the secessionists repair this damage with their own hands and property. All I want is proof that they have aided, abetted or countenanced the operations of these rebels and they will be made to pay dearly for their whistle. Troops are moving in various directions to break up all these insurgent bands. They need hope no assistance from Price's army. It is already in full retreat hotly pursued by our cavalry. If we reach him he will be cut up and defeated. If we can't reach him he must fly from the State. His day in Missouri is passed. Until his army is broken up or driven into Arkansas I cannot spare troops to permanently station them in the different counties. All that I can possibly do in reference to that subject will be done.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

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* General Orders, No. 32, p. 237.

LANCASTER, OHIO, *December 30, 1861.*

Major-General HALLECK.

SIR: I am pleased with the example which you have set on the North Missouri Railroad. The prompt execution of the scoundrels will do much good, but the destruction of the Little Platte River bridge and the promiscuous massacre of the railroad passengers—men, women and children—ought not to be lost sight of and buried up among or rather under recent enormities. A sufficient military force with a few of the best police detectives to be procured in our large cities might bring to justice some twenty or thirty of those murderers, and it would do more good to detect and hang them than to win a battle. These marauding bands are now the great mischief to Missouri.

I am, very respectfully, yours,

T. EWING.

SAINT LOUIS, *December 31, 1861.*

Brigadier-General POPE, *Otterville.*

GENERAL: I send herewith the proceedings of a military commission ordered by Colonel Deitzler, First Kansas Regiment, for the trial of certain prisoners at Tipton, Mo., within the limits of your command.

In the first place a military commission can be ordered only by the General-in-Chief of the Army or by a general commanding a department, consequently all the proceedings of the commission ordered by Colonel Deitzler are null and void. The prisoners are therefore in precisely the same position as if no trial had taken place.

In the second place military commissions should as a general rule be resorted to only for cases which cannot be tried by a court-martial or by a proper civil tribunal. They are in other words tribunals of necessity, organized for the investigation and punishment of offenses which would otherwise go unpunished. Their proceedings should be regulated by the rules governing courts-martial so far as they may be applicable and the evidence should in all cases be fully recorded.

Prisoners of war, properly so called—that is men duly enrolled and commissioned in the service of an acknowledged enemy—are so far as the military authorities are concerned to be treated in the manner prescribed by the usages and customs of war. They are entitled to the rights of war but this fact does not exempt them from punishment by the civil tribunals for treason to the Government. But treason is an offense technically defined by the Constitution and is not triable by a military commission; nor will such tribunal try or punish a soldier duly enrolled and mustered into the enemy's service by proper authority for taking life in battle or according to the rules of modern warfare. But it is a well-established principle that insurgents and marauding, predatory and guerrilla bands are not entitled to this exemption. Such men are by the laws of war regarded as no more nor less than murderers, robbers and thieves. The military garb and name cannot change the character of their offenses nor exempt them from punishment. Moreover if a prisoner of war has committed acts in violation of the laws of war such as murder, robbery, arson, &c., the fact of his being a prisoner of war does not exempt him from trial and punishment by a military commission. In such cases the charge should be "violation of the laws of war," and not violation of the "Rules and Articles of War," which are statutory provisions modifying the laws of

war only in the particular cases to which these provisions apply. In all cases not embraced in this statutory law and not made triable by the courts which it creates we must recur to the general code of war and try by a military commission.

A military commission will be immediately ordered to assemble at La Mine cantonment for the trial of such prisoners as may be brought before it. You will furnish the judge-advocate with a copy of this letter for his guidance and will see that the charges and specifications are properly drawn up.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

SAINT LOUIS, *December 31, 1861.*

Brigadier-General SCHOFIELD, *Commanding, &c.*

GENERAL: I inclose a memorandum of information * received here respecting the principal persons who originated or encouraged the arsons committed on the North Missouri Railroad, and also a communication from Mr. Clay Taylor,* who you will observe is one of the parties accused although he was not aware of that fact when he wrote. It is believed here that there is pretty good foundation for these charges. I wish you to get all the information on this subject you can and if you deem the evidence sufficient to justify it to arrest the parties. Do not let the contents of the memorandum be made public.

If General Prentiss has taken the command of your forces you will of course report this letter to him. I also wish the matter of Mr. Clay Taylor's complaint to be investigated and if injustice has been done him it must be repaired. I have had no information from you or General Prentiss for several days. Why is this?

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

SAINT LOUIS, *December 31, 1861.*

Maj. Gen. HENRY W. HALLECK.

DEAR SIR: Although not acquainted with you personally and therefore claiming no right to obtrude myself upon your attention yet as a citizen of Missouri sworn to support the Constitution of the United States and of this State and under legal obligation not only to sustain all lawful authority but also morally bound to do all that in my power lies to restrain authority within legal bounds, that all things may be done lawfully and in order so that the dread majesty of the law may be asserted as the supreme power in this land which all must obey, I cannot refrain from doing what in my power lies to support the Government and to keep to the path of duty. For this purpose I have labored for months past through the public press in addresses to my fellow citizens, &c., constantly endeavoring to induce all to take and maintain the ground that in all things the law is our only master, and that all wrongs, civil and political, must be remedied by and through the methods the law points out. Usurpation of power is no excuse for revolution against those whose right to office is of limited duration, nor is lynch law the proper remedy for crime.

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* Not found.

Having lived in this State for more than twenty years and being familiar with the opinions of its people, and understanding what have been their feelings, I desire to secure as charitable a judgment as possible of the conduct of those of my fellow citizens, who, driven by what they consider as outrages upon the liberties of the people and the authority of the State, have taken up arms against the United States. Also had there been more charity in judgment among the people of the different sections of this country secession, rebellion and civil war would never have reared their horrid fronts in what was once the land of law.

It is to ask this charity in judgment—that sympathy which a father should feel while compelled to punish a disobedient son that law and order may prevail in his family—that I address you this letter. Permit me to make a few suggestions which I think capable of proof before any court of justice in which law is the rule of judgment, or to any fair-minded man.

Secession has never been one of the political heresies of this State. Its legality has always been denied by the Democracy; it was always considered rank heresy by the old Whig party and by its successor, the Bell and Everett party, and the Breckinridge wing of the Democracy in the canvass of last year always denied that they held to the doctrine. The Presidential canvass of 1860 showed this to be the state of parties: Lincoln, 17,028, confined almost entirely to Saint Louis Gasconade and Cole and one or two other counties—chiefly a German vote; Bell, 58,372; Breckinridge, 31,319; Douglas, 58,801; total, 165,518. One of the main arguments used against the Breckinridge party in the discussions was that the breaking of the party tended to a dissolution of the Union. We did not think how near to the abyss we were standing.

During the session of the legislature finding what was its temper I was anxious in urging my friends to support the call for a convention so as to take the question of secession out of the hands of the general assembly and to submit the question of our federal relations directly to the people. The action of a large meeting of citizens in Saint Louis with which I had much to do induced many who were wavering in the assembly to vote for a call of a convention. The convention was called and to the surprise of the secessionists in the assembly with Vest and Claib Jackson at their head there was a Union majority of more than 80,000—nearly three to one.

Such was the condition of affairs at the time of Mr. Lincoln's accession; such would have remained the condition of affairs had prudent, cautious means been used to lead the people of this State rather than to drive them. But unfortunately those who had the ear of the President were men whose sympathies were not in accord with those of the people, who had their own ends to subserve, who were reckless in assertion but positive in affirmation, and they were allowed to control things in Missouri as they saw fit. The opinions of the President and of the people of the Northern States were poisoned by those whose temper forbade their perceiving the real truth of things and whose passions prevented their granting any charity to a political adversary. No voices were allowed to be heard save the voices of those who were morally traitors to their State as banding with a political party whose spirit was directly hostile to its institutions. Force was made master by those who were ignorant that law only has lawful authority, and instead of using the marshal's writ they took the soldier's sword and the consequences have been terrible.

I say to you to-day, you who have been a lawyer and have studied the principles of Anglo-Saxon, I dare not say American freedom, that the United States marshal with his warrant could have led all the forces in Camp Jackson before a commissioner, a judge of the United States, for examination and commitment if they had committed any offense against the laws of the United States, or to be placed under bonds to keep the peace of the Union. But no, that would not subserve the purposes of those to whom was secretly entrusted the management of affairs in Missouri. The people who were suspected of being disloyal were to be terrified into abject submission. A bad way of dealing with Americans. Remember that the President had not declared Missouri in insurrection nor commanded any insurgents to disperse. And yet militia assembled for instruction in accordance with an old law and with the Constitution and laws of Congress were taken prisoners of war when they had levied no war, and women and children fell a sacrifice.

I grant that Governor Jackson meant mischief. He was powerless; he was watched by those who knew that as soon as he reached a certain point the marshal's warrant would be laid upon him and his schemes, opposed as they were to the expressed will of the people would have been crushed. General Harney was appointed. The reign of law was restored. Harney was removed and the governor, terrified by the past, called for 50,000 men and inaugurated civil war. No; he did not inaugurate it—he accepted an issue forced upon him and declared that he was only sustaining the dignity of the State. Now permit me to say that with the great mass of the insurgents that is the sole feeling that has actuated them. I know that it was so with Price, and I think that within up to three weeks past that Price and his army would have laid down their arms upon having full assurance that the civil laws should be restored to authority and that no punishment should be inflicted for what they had done. Many of the demagogues desired to enter the Southern Confederacy but the masses were content with the Union.

I am of opinion still that terms could be made with Price which would disband his army and restore peace partially though not entirely, for marauders whose object was plunder would continue their work for some time before the reign of law could be restored. The principal feeling in the interior is against the Dutch or rather it was so in October when I was along the lines of railroads and in that section between Cole and Cooper Counties. I fear that it has gone much further now. The main strength of the insurgents has been that they could point to the action of Federal troops and officers and say that it was unconstitutional and illegal and even contrary to the rules and regulations. Men with arms in their hands violating all law could not be heard urging such reasons for their conduct. But many quiet, good citizens who saw these things could not sanction them and could not defend them and this weakened the Government. It requires either a very wise or a forgiving spirit to overlook the wrongs of those in official position and to have the patience to use only means of legal redress and to follow up offenders until redress is obtained. But that spirit has made English freedom what it is and that spirit only can preserve our American liberty. My greatest sorrow has been that I have seen so little of that spirit displayed by our people in this State and through the country.

You have studied military law but have approached it from the military side. I have studied it but have viewed it from the standpoint

of the Constitution and our civil law. With our Constitution all military law is the creature of the Constitution and of the laws of Congress. The Constitution, through its restraints and limitations upon the law of nations, so far as the rights of American citizens are concerned, and the citizen at home or with the army on foreign soil, can still claim that he may not be deprived of life, liberty or property but by the judgment of his peers or the law of the land. This feeling is very strong in the hearts of our citizens and the violations of these rights rankle deeply. Illegal exercise of authority is most grossly impolitic unless men are becoming despotic and seeking selfishly possession of power for themselves. A *coup d'état* makes an emperor but not a free people.

I shall not consume your time in discussing this question but refer you as a lawyer to two cases decided by the Supreme Court where the principles are laid down. In the case of Harmony against Lieut. Col. D. D. Mitchell, under Doniphan's command in New Mexico, who seized the plaintiff's property, reported in 13 Howard, U. S. Rep., 113, 134, the court declared as the English courts had done that the military position of the officer in "a foreign country could not enlarge his power over the property of the citizen nor give him any authority in that respect which he would not possess at home. And when the owner has done nothing to forfeit his rights every public officer is bound to respect them whether he finds the property in a foreign or hostile country or his own."

That is very old law. Let me also refer you to the opinion of Justice Woodbury in the case of Luther vs. Borden in 7 Howard, R. 45, on the question of the legality of martial law.

I have already written much more than I intended, and shall not as a preacher would do make any practical application of the principles I have stated. When the bands of society are dissolved, when courts cease to operate and their process is set at naught I admit that the necessity of the case requires that the military authority should preserve the peace, using as much power as may be needed for that purpose and no more. Through the interior of this State no authority can now preserve the peace but the military, but it finds great difficulty in learning who are the parties guilty of burning bridges, tearing up railroads, &c.

Let me make a suggestion which I made to Governor Gamble last summer, in order to discover these men and to learn how to deal with them. At the county seat in the clerk's office will be found the poll books of the election in February last for the convention, and the assessor's book for 1860. These poll books will give the names of the voters by townships and precincts; the assessments will give the names of those owning property, and through Union citizens and others the whereabouts of every man can soon be learned and a black list made of those who have been out. If a U. S. commissioner is present all such parties can be legally arrested for trial or put under bonds for the future when brought before a judge of the U. S. courts. The details of the plan I need not work out; it can be attended to through your provost-marshal.

I have written this letter simply with the desire of doing good. If I succeed I am sufficiently rewarded. If I fail I have only consumed your time, for which I make my apology.

Respectfully, yours,

CHAS. C. WHITTELSEY.

SAINT LOUIS, *January 1, 1862.*

Hon. T. EWING, *Lancaster, Ohio.*

SIR: I thank you for your letter of the 30th ultimo. I am satisfied that nothing but the severest punishment can prevent the burning of railroad bridges and the great destruction of human life. I shall punish all I can catch although I have no doubt there will be a newspaper howl against me as a bloodthirsty monster. These incendiaries have destroyed in the last ten days $150,000 worth of railroad property notwithstanding that there are more than 10,000 troops kept guarding the railroads in this State. A plot was discovered on the 20th ultimo to burn all the bridges in the State and at the same time to fire this city. Fortunately a part of the intended mischief was prevented. This is not usually done by armed and open enemies but by pretended quiet citizens living on their farms. A bridge or building is set on fire and the culprit an hour after is quietly plowing or working in his field. The civil courts can give us no assistance as they are very generally unreliable. There is no alternative but to enforce martial law. Our army here is almost as much in a hostile country as it was when in Mexico.

I have determined to put down these insurgents and bridge-burners with a strong hand. It must be done; there is no other remedy. If I am sustained by the Government and country well and good; if not I will take the consequences.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

MARTINSBURG, *January 1, 1862.*

Major-General HALLECK:

I have thoroughly scoured the whole country as far west as the field of Prentiss' fight. Have captured about fifty prisoners, among the rest Captain Owen, the leader of the bridge-burners about High Hill, and Col. Jeff. Jones. Colonels Todd and Morton are now coming in toward Danville and Wellsville. Most of the bridge-burners not killed or captured have passed back across the railroad. I am disposing my troops so as to protect the road and clean the country northwest of it. If it is deemed necessary to keep me in this command I would like to return to Saint Louis for a day or two.

J. M. SCHOFIELD,
Brigadier-General.

GENERAL ORDERS, No. 1. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, January 1, 1862.*

I. In carrying on war in a portion of country occupied or threatened to be attacked by an enemy, whether within or without the territory of the United States, crimes and military offenses are frequently committed which are not triable or punishable by courts-martial and which are not within the jurisdiction of any existing civil court. Such cases, however, must be investigated and the guilty parties punished. The good of society and the safety of the army imperiously demand this. They must therefore be taken cognizance of by the military power, but except in cases of extreme urgency a military commander should not himself attempt to decide upon the guilt or innocence of

individuals. On the contrary it is the usage and custom of war among all civilized nations to refer such cases to a duly constituted military tribunal composed of reliable officers, who acting under the solemnity of an oath and the responsibility always attached to a court of record will examine witnesses, determine the guilt or innocence of parties accused and fix the punishment. This is usually done by courts-martial; but in our country these courts have a very limited jurisdiction both in regard to persons and offenses. Many classes of persons cannot be arraigned before such courts for any offense whatsoever, and many crimes committed even by military officers, enlisted men or camp retainers cannot be tried under the "Rules and Articles of War." Military commissions must be resorted to for such cases and these commissions should be ordered by the same authority, be constituted in a similar manner and their proceedings be conducted according to the same general rules as courts-martial in order to prevent abuses which might otherwise arise.

II. As much misapprehension has arisen in this department in relation to this subject the following rules are published for the information of all concerned:

First. Military commissions can be ordered only by the General-in-Chief of the Army or by the commanding officer of the department, and the proceedings must be sent to headquarters for revision.

Second. They will be composed of not less than three members, one of whom will act as judge-advocate and recorder where no officer is designated for that duty. A larger number will be detailed where the public service will permit.

Third. All the proceedings will be recorded and signed by the President and judge-advocate and recorder as in the case of courts-martial. These proceedings will be governed by the same rules as courts-martial so far as they may be applicable.

Fourth. Civil offenses cognizable by civil courts whenever such loyal courts exist will not be tried by a military commission. It should therefore be stated in every application for a commission whether or not there is any loyal civil court to which the civil offenses charged can be referred for trial. It must be observed, however, that many offenses which in time of peace are civil offenses become in time of war military offenses and are to be tried by a military tribunal even in places where civil tribunals exist.

Fifth. No case which by the Rules and Articles of War is triable by a court-martial will be tried by a military commission. Charges therefore preferred against prisoners before a military commission should be "violation of the laws of war," and never "violation of the Rules and Articles of War," which are statutory provisions defining and modifying the general laws of war in particular cases and in regard to particular persons and offenses. They do not apply to cases not embraced in the statute; but all cases so embraced must be tried by a court-martial. In other cases we must be governed by the general code of war.

Sixth. Treason as a distinct offense is defined by the Constitution and must be tried by courts duly constituted by law; but certain acts of a treasonable character such as conveying information to the enemy, acting as spies, &c., are military offenses triable by military tribunals and punishable by military authority.

Seventh. The fact that those persons who are now carrying on hostilities against the lawful authorities of the United States are rebels and traitors to the Government does not deprive them of any of the

rights of war so far as the military authorities are concerned. In our intercourse with the duly authorized forces of the so-called "Confederate States" and in the treatment of prisoners of war taken from such forces we must be governed by the usages and customs of war in like cases. But the rights so given to such prisoners by the laws of war do not according to the same code exempt them from trial and punishment by the proper courts for treason or other offenses against the Government. The rights which they may very properly claim as belligerents under the general rules of belligerent intercourse—*commercia belli*—cannot exempt them from the punishment to which they may have subjected themselves as citizens under the general laws of the land.

Eighth. Again a soldier duly enrolled and authorized to act in a military capacity in the enemy's service is not according to the code military individually responsible for the taking of human life in battle, siege, &c., while at the same time he is held individually responsible for any act which he may commit in violation of the laws of war. Thus he cannot be punished by a military tribunal for committing acts of hostility which are authorized by the laws of war but if he has committed murder, robbery, theft, arson, &c., the fact of his being a prisoner of war does not exempt him from trial by a military tribunal.

Ninth. And again while the code of war gives certain exemptions to a soldier regularly in the military service of an enemy it is a well-established principle that insurgents not militarily organized under the laws of the State, predatory partisans and guerrilla bands are not entitled to such exemptions; such men are not legitimately in arms and the military name and garb which they have assumed cannot give a military exemption to the crimes which they may commit. They are in a legal sense mere freebooters and banditti and are liable to the same punishment which was imposed upon guerrilla bands by Napoleon in Spain, and by Scott in Mexico.

By order of Major-General Halleck:

JNO. C. KELTON,
Assistant Adjutant-General.

ST. LOUIS, *January 2, 1862.*

CHARLES C. WHITTELSEY, Esq., *Saint Louis, Mo.*

SIR: Your letter of the 31st has been received and its contents noted. You are entirely mistaken in relation to the animus of General Price. The fairest offers have been made to him but he scouts them and says he will fight the Federal Government to the bitter end. The time for conciliation I am sorry to say has passed. Nothing but the military power can now put down the rebellion and save Union men in this State. It is useless now to try any other remedy. Your suggestions about detecting railroad bridge-burners will receive due consideration and be acted on where circumstances will permit.

Very respectfully, &c.,

H. W. HALLECK,
Major-General.

WELLSVILLE, MO., *January 2, 1862.*

Col. J. C. KELTON,
Assistant Adjutant-General, Saint Louis, Mo.

COLONEL: I have the honor to urgently request the immediate action of the commanding general upon a matter which I regard of vital

importance. Upon my arrival at Warrenton I found a battalion of Reserve Corps Cavalry under command of Major Hollan the only cavalry at my disposal. These men had preceded me only a few days but they had already murdered one of the best Union men in that vicinity and committed numerous depredations upon the property of peaceful citizens. Since that time their conduct has been absolutely barbarous—a burning disgrace to the Army and the Union cause. In spite of all my efforts to the contrary they have plundered and destroyed the property of citizens, many of them the best Union men in the State, to the amount of many thousands of dollars. Their officers either connive at it or else have no power to restrain their men. I cannot trust them out of my sight for a moment and of course they are of no use to me as cavalry so long as this is the case. I have succeeded in detecting five of the robbers and have them in irons, and have arrested the major and one of the captains and placed them in close confinement.

I have placed Lieutenant Sheldon, of my staff, in command of the two companies at this post, but I cannot long spare him from his proper duties and there are still three companies at other posts and it is beyond my power to prevent their acts of robbery if I make any use of them. No doubt there are some good men in this battalion but as a class they are well-armed and well-mounted barbarians. I am told there is at Benton Barracks a considerable force of good mounted men without arms. I therefore urgently request that a battalion of them be sent without arms or horses and that I be authorized to dismount and disarm Major Hollan's battalion and send it to Saint Louis. If something of this kind be not done soon there will be very few Union men in this part of the State. I will as soon as possible forward charges against Major Hollan, Captain Wenkel and the men I have arrested.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General, Commanding.

SAINT LOUIS, *January 3, 1862.*

Brigadier-General SCHOFIELD, *Wellsville, Mo.*

GENERAL: Your letter of yesterday is just received. I have no cavalry to send in place of Hollan's command. As soon as you can dispense with this command send it back to Benton Barracks. If you think the officers and men who are in arrest had better be tried there I will order a military commission immediately on your sending the names of five officers suitable for such a court and one for recorder. If you think that they can better be tried here send all the prisoners and witnesses to this city where there is now a commission in session; but don't send them at the same time with the command. They will require a different escort. The offenses of each should be stated fully so that charges and specifications may be drawn up here. If their crimes are proved they will not be likely to escape punishment. Having all the witnesses there I think a military commission might dispatch the cases in a few days.

I send you a couple of memoranda which may help you in finding out some of the bridge-burners. The names of the writers are known to me and are represented as reliable men.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, January 4, 1862.

Brigadier-General SCHOFIELD, *Wellsville, Mo.*

GENERAL: It has been represented to me by Union men who live along the North Missouri Railroad that the best way to ascertain who are the bridge-burners would be to appoint a military commission to sit at Wellsville or Mexico who might try parties accused and compel witnesses to attend and give their testimony.

For example it is said that one Wells, who lives at Mexico and is a rank secessionist—although he pretends to be a Union man—has two sons in Price's army, or had—knows all about who are the bridge-burners in that part of the country and will give evidence if compelled to. Other names have also been given. If you think well of this and suggest the names of officers for such a commission I will order it. I can send one officer from here to act if necessary.

It is all-important that these culprits be brought to justice and I hope you will not leave until you accomplish it. Those condemned can be brought here for punishment. Perhaps it would not be safe to execute any one there.

Yours, truly,

H. W. HALLECK,
Major-General.

LANCASTER, OHIO, *January 5, 1862.*

Maj. Gen. H. W. HALLECK, *Saint Louis, Mo.*

DEAR SIR: The ground on which you can treat these railroad destroyers as military criminals is that they are within your lines in the guise of peaceful citizens, destroying life and property, and therefore as secret enemies caught in the warlike act amenable to martial law. The secessionists cannot except to it for in Tennessee they hang all the bridge-burners they can catch, and in this case you very truly say severity is mercy.

However, all you want is to protect life and property and perhaps the best way to do it is this: Try by a court-martial all that you have caught; hang at once two or three of the ringleaders in the presence of their fellows; sentence a dozen or twenty or even fifty of the most culpable and reprieve them for a time with the distinct understanding that they will be hanged according to sentence if further depredations are committed by their associates but that they may hope for mercy if there is order and peace. Discharge the least culpable and let them go home and carry the conditions with them with the assurance that if they themselves are caught again they will find no mercy. And in holding as hostages care should be taken to hold from each neighborhood, family and clique one or more.

The scoundrels engaged at the Little Platte deserve more severe handling than those you have caught for they deliberately planned and committed the most cruel, indiscriminate murder of men, women and children.

I am, very respectfully, yours,

T. EWING.

SAINT LOUIS, *January 6, 1862.*

Major-General HALLECK.

GENERAL: The man you mention calling himself colonel in the State militia has authority to raise a regiment. You have seen the general order prohibiting all intermeddling with home guards and reserve corps. I will send him a copy of that order and of your note and if he continues to excite disaffection in either body in the U. S. service shoot him by all means as he will deserve it as well at my hands as at yours. I would like very much to see the shooting process begin and will undertake to provide you with suitable subjects (beginning with Jennison) until the service is purged from men who disgrace humanity and ruin the cause of our Government.

Very respectfully, your obedient servant,

H. R. GAMBLE.

SAINT LOUIS, *January 7, 1862.*

H. R. GAMBLE, *Governor of Missouri.*

MY DEAR GOVERNOR: I hardly know what to do with the class of persons to whom you allude in your note which is just received. Reliable gentlemen in the interior write that nearly every one of this class when released and allowed to return to their homes secretly assist in stirring up rebellion, bridge-burning, &c., and are continually sending information to Price of the state of affairs within our lines. Indeed I believe many of them pretend to give themselves up for that very purpose and are nothing more or less than spies. Of course there are some honorable exceptions. I speak only of the mass. It seems to be too hard to arrest and confine all and yet it is difficult to make distinctions except in cases where their loyalty is fully vouched by reliable Union men.

The only feasible plan suggested is to require a stringent oath and parole of honor of all persons released with the full understanding that they would incur the penalty of death by violating it. If they refuse to take this hold them as prisoners of war subject to exchange as such if an exchange should be authorized. It is proposed moreover to permit no one to take this oath and receive his release unless we have very satisfactory assurances that he will keep it. If after voluntarily taking it he shall violate it then impose the penalty with rigor. A few examples would probably put a stop to its violation.

If however you can propose anything better I shall be most happy to receive your suggestions.

I inclose a copy of the proposed oath and parole.*

Very respectfully, &c.,

H. W. HALLECK,
Major-General.

WELLSVILLE, MO., *January 8, 1862.*

Major-General HALLECK,
Commanding Department of the Missouri, Saint Louis, Mo.

GENERAL: I find here your order† appointing a military commission in accordance with my suggestion and also your letter of the 3d

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* Not found.

† Omitted. Refers to Special Orders, No. 17, revoked in Special Orders, No. 28, of January 10, 1862, for which see p. 254.

instant in which you mention five officers and a recorder as the proper number to constitute a commission. As some of the cases to be tried are very important ones it seems to me that the number of members should not be less than five. Since leaving Saint Louis I have taken pains to learn the names of officers most suitable for such a court which I inclose and will take the responsibility of withholding the order already issued till I can hear from you.

* * * * * * *

We are progressing finely in ferreting out and arresting the bridge-burners. Colonel Morton caught twenty-nine of them west of Montgomery Monday night, and has obtained much valuable evidence against leading and influential parties some of whom are already in hands. Some arrests have been made and much evidence obtained at other points on the road. I think we will have no need of the commission as a means of obtaining evidence but will probably have some important cases ready for trial by the time the soldiers are disposed of.

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Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, January 9, 1862.

Maj. Gen. GEORGE B. MCCLELLAN, *Washington.*

GENERAL: Yours of the 3d was received last evening* and has received my most careful consideration. * * * The insurrection in the northeast is not yet entirely suppressed. General Henderson had an engagement yesterday near Mexico and captured forty prisoners. He expected another fight this morning. If any of our troops are withdrawn from there at present the scattered insurgents will collect and again destroy the railroad and telegraph line. We may expect, however, that most of these gangs will be broken up in the course of the next two or three weeks.

* * * * * * *

If the troops at Sedalia and Rolla are not either sent against Price or put in position to keep him in check he will unquestionably return to the Missouri River where he will be received by a very large mass of insurgents who have concealed arms and ammunition. This information comes from so many reliable sources that I cannot doubt its correctness. The question is therefore a very plain one. If a sufficient number of troops are to be withdrawn from Missouri at the present time to constitute an expedition up the Cumberland strong enough to afford any reasonable hope of resisting an attack of the enemy we must seriously peril the loss of this State. * * *

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

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* Omitted.

MEXICO, *January 9, 1862.*

Major-General HALLECK:

I have about forty rebel prisoners (some for bridge-burning), ten captured in battle yesterday. More will be captured to-day. Shall I send them to Saint Louis or will you send a commission to try them here? Please answer by telegraph.

J. B. HENDERSON,
Brigadier-General.

MEXICO, MO., *January 10, 1862.*

Major-General HALLECK, *Saint Louis, Mo.*

GENERAL: It is represented to me by many of the most respectable citizens of this part of the State who have as they confess sympathized with the rebellion but have I think unquestionably been opposed to all such acts as bridge-burning, &c., that they now desire to pledge themselves in the most solemn manner that they will hereafter discharge to the fullest extent their duty as loyal citizens by discouraging all rebellious organizations and by giving information to the U. S. authorities of every movement of the kind that shall come to their knowledge provided they can be secured in their persons and property from molestation by U. S. troops. It appears to me that by exercising a wise discretion in granting such assurances of protection to men of well known respectability and influence much good may be done. If you approve of this proposition I will carry it out in such cases as I am perfectly satisfied are worthy of it.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General, Commanding.

SPECIAL ORDERS, No. 28. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, January 10, 1862.*

1. The order for the military commission to meet at Wellsville by Special Orders, No. 17, on January 8, 1862, current series, from these headquarters, is hereby revoked and the following detail substituted to meet on Monday, the 13th instant at 10 a. m., or as soon thereafter as practicable for the trial of such persons as may be brought before it.

Detail for the commission: 1, Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; 2, Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; 3, Capt. A. C. Todd, Tenth Missouri Volunteers; 4, Surg. John O. Edwards, Third Iowa; 5, Capt. Martin Armstrong, Eighty-first Ohio, who will act as judge-advocate and recorder.

The commission will sit without regard to hours.

* * * * * *

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 10. } HDQRS. NORTH MISSOURI RAILROAD, *Mexico, January 10, 1862.*

It being represented by C. M. Johnson, captain of a company of rebel troops organized in Saint Charles County, and defeated by the U. S. forces under General Prentiss near Mount Zion Church in Boone County, on the 28th of December, 1861, that the members of said

company are now desirous to lay down their arms and surrender themselves as prisoners of war it is hereby directed that all of said company who shall so voluntarily surrender themselves to an officer of the U. S. army and deliver to him their arms shall be received and treated as prisoners of war, provided that if it shall hereafter appear that any of such men have committed any acts in violation of the laws of war such as burning of bridges and destruction of railroads those guilty of such acts shall be liable to all penalties prescribed by the laws of war.

By order of Brigadier-General Schofield:

H. HESCOCK,
Acting Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, January 11, 1862.

Brig. Gen. E. A. PAINE,
Commanding Bird's Point, Mo.:

I understand that four of our pickets were shot this morning. If this is so and appearances indicate that the assassins were citizens not regularly organized in the rebel army the whole country should be cleared out for six miles around and word given that all citizens making their appearance within those limits are liable to be shot.

To execute this patrols should be sent out in all directions and bring into camp at Bird's Point all citizens, together with their subsistence, and require them to remain under pain of death and destruction of their property until properly relieved. Let no harm befall these people if they quietly submit but bring them in and place them in camp below the breast-works and have them properly guarded.

The intention is not to make political prisoners of these people but to cut off a dangerous class of spies. This applies to all classes and conditions, age and sex. If, however, women and children prefer other protection than we afford them they may be allowed to retire beyond the limits indicated not to return until authorized.

Report to me as soon as possible every important occurrence within your command.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS MISSOURI STATE GUARD,
*Camp at Springfield, January 12, 1862.**

Maj. Gen. H. W. HALLECK,
Commanding U. S. Forces in the Western Department.

GENERAL: I have received information that as major-general commanding in this department you have either ordered or allowed the arrest of citizens in the pursuit of their usual and peaceful avocations; that men—officers and privates—belonging to this army have been taken prisoners on the Kansas border and conveyed to Fort Leavenworth, and as such and for no other established offense or crime have been shot.

In some cases I have learned that my discharged soldiers have been seized whenever and wherever they have shown themselves and that they have been by military coercion forced into a servitude unknown to international and civilized usages in such cases.

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* See Halleck to Price, p. 258.

I have obtained information that individuals and parties of men specially appointed and instructed by me to destroy railroads, culverts and bridges by tearing them up, burning, &c., have been arrested and subjected to a general court-martial for alleged crimes which all the laws of warfare heretofore recognized by the civilized world have regarded as distinctly lawful and proper. I have learned that such persons when tried, if convicted of the offense or offenses as stated, are viewed as lawful subjects for capital punishment.

These statements brought to me in various ways I cannot believe to be correct. It is upon this subject that I now propose to address you. It is necessary that we understand each other and have some guiding knowledge of that character of warfare which is to be waged by our respective governments. This understanding should be given at once. It is desirable both by you and me. Both armies desire it and the exigencies of the war demand that some certain rules should be the basis of our conduct and control. Delay is fatal. It cannot be allowed. We must understand each other.

Do you intend to continue the arrest of citizens engaged in their ordinary peaceful pursuits and treat them as traitors and rebels; if so will you make exchanges with me for such as I may or will make for similar causes? Do you intend to regard members of this army as persons deserving death whenever and wherever they may be captured or will you extend the recognized rights of prisoners of war by the code of the civilized world? Do you regard—and state as such the law governing your army—the destruction of important roads, transportation facilities, &c., for military purposes as the legal right of a belligerent power? Do you intend to regard men whom I have specially dispatched to destroy roads, burn bridges, tear up culverts, &c., as amenable to an enemy's court-martial or will you have them to be tried as usual by the proper authorities according to the statutes of the State?

It is vastly important to the interests of all parties concerned that these momentous issues should be determined. No man deplores the horrors of war more than I do; no one will sacrifice more to avert its desolating march. Each party must be heard. Each must have a kind of common protection. I am willing to afford this. It remains with you to decide the question with that frankness which attends your official communications. I await your reply.

I am, general, very respectfully, your obedient servant,

STERLING PRICE,
Major-General, Commanding Missouri State Guard.

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, January 12, 1862.

General E. A. PAINE,
Commanding Second Brigade, Bird's Point, Mo.:

The citizens brought in under directions of yesterday may be put in tents as suggested by you. They can use the tents of troops who do not go out with you or such surplus tents as may be in the hands of troops at Bird's Point. If you have reason to believe that the parties guilty of shooting our pickets are discovered inform me and I will order a court or commission that will act without delay.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, January 14, 1862.

Maj. Gen. GEORGE B. MCCLELLAN,
General-in-Chief of the Army, Washington.

GENERAL: Advices received from scouts and spies who have been in the enemy's camps lead to the belief that Price's pretended retreat was a ruse intended to deceive us. He fell back rapidly from Osceola to Springfield giving out the report that he was intending to retire to winter quarters in Arkansas. It was expected that on receiving information of this retreat we would withdraw the mass of our forces at Rolla and Sedalia for operations against Columbus. As soon as this had been done Price was to return with re-enforcements from Arkansas and march rapidly to Lexington and Jefferson City. In the meantime his emissaries were to destroy all railroad bridges and telegraph lines so as to prevent our sending troops against him. This city was at the same time to be set on fire at different places and a general insurrection was to break out here and in all the northern counties of this State. The time of the burning of the bridges was determined by private signals of which we have discovered thousands scattered through the country. Fortunately I was warned in time to protect this city and the principal bridges. Much damage, however, has been done at places where it was least expected, as near Quincy, Palmyra, Hudson, Mexico, &c., almost under the noses of our troops. At other places my telegrams were received in time to save the bridges. Evidences of this plan of the enemy have been received from so many sources as to leave very little doubt of its correctness.

The arrangements made to break up the bands of bridge-burners in the northeastern counties of the State have been very successful. Immediately after the burning had commenced a small force of cavalry started in the cars from Hudson City. In this way they surprised a large party of secessionists, killed 8, took a number of prisoners, horses, &c. On the 28th ultimo General Prentiss with 240 of Colonel Glover's cavalry and 200 of Colonel Birge's sharpshooters attacked a body of rebels under Colonel Dorsey about 900 strong at Mount Zion, Boone County, and dispersed them. Enemy's loss reported 150 killed and wounded, 35 prisoners, 95 horses, and 105 guns captured. Our loss 3 killed and 11 wounded. This disparity resulted from the long range of the rifles of our sharpshooters.

Several other skirmishes have taken place and some 200 prisoners taken. Brigadier-General Schofield captured about 50 in the vicinity of Mexico. The enemy has scattered in every direction but as our troops are scouring the country thoroughly I think many of the bridge-burners will eventually be caught. Most of them are from Price's army and have returned home under the pretense that they were Union men impressed into Price's service. No reliance whatever can be placed upon these pretended refugees from military impressment.

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Very respectfully, your obedient servant,
H. W. HALLECK,
Major-General.

SAINT LOUIS, *January 14, 1862.*

L. THOMAS, *Adjutant-General:*

The superintendent of the Quincy and Palmyra Railroad declines to rebuild the bridges recently burned by the rebels. There are 600 tons of U. S. property at Quincy for transportation over this road. There are three plans proposed: First, that the United States rebuild these bridges, the Quartermaster's Department paying expenses to be reimbursed from ordinary rates of transportation; second, that the United States take possession of the road making repairs and using it for Government purposes; third, that secessionists of Marion and Rolla Counties be made to repair damages or pay expenses of such repairs. I approve the third plan and will execute it if authorized by the War Department. An immediate answer requested. The public service requires a prompt decision of the question. I am ready to act.

H. W. HALLECK,
Major-General, Commanding.

WARRENTON, *January 18, 1862.*

Brigadier-General PRENTISS, *Palmyra, Mo.:*

I am informed that by the removal of the U. S. troops the bridges on the Hannibal and Saint Joseph Railroad are left unguarded. The six months' State troops are to be mustered out on the 25th instant. Can you furnish troops enough to take care of the road or must I delay the mustering out? I will go to Hudson to-morrow. Where shall I find you?

J. M. SCHOFIELD.

SAINT LOUIS, *January 22, 1862.**

General STERLING PRICE, *Commanding, &c.*

GENERAL: * * * You also complain that "individuals and parties of men specially appointed and instructed by you to destroy railroads, culverts and bridges by tearing them up, burning, &c., have been arrested and subjected to a general court-martial for alleged crimes." This statement is in the main correct. Where "individuals and parties of men" violate the laws of war they will be tried and if found guilty will certainly be punished whether acting under your "special appointment and instructions" or not. You must be aware, general, that no orders of yours can save from punishment spies, marauders, robbers, incendiaries, guerrilla bands, &c., who violate the laws of war. You cannot give immunity to crime.

But let us fully understand each other on this point. If you send armed forces wearing the garb of soldiers and duly organized and enrolled as legitimate belligerents to destroy railroads, bridges, &c., as a military act we shall kill them if possible in open warfare, or if we capture them we shall treat them as prisoners of war. But it is well understood that you have sent numbers of your adherents in the garb of peaceful citizens and under false pretenses through our lines into Northern Missouri to rob and destroy the property of Union men and to burn and destroy railroad bridges thus endangering the lives of thousands, and this too without any military necessity or possible

* See Price to Halleck, p. 255.

military advantage. Moreover peaceful citizens of Missouri quietly working on their farms have been instigated by your emissaries to take up arms as insurgents and to rob and plunder and to commit arson and murder. They do not even act under the garb of soldiers but under false pretenses and in the guise of peaceful citizens.

You certainly will not pretend that men guilty of such crimes although "specially appointed and instructed" by you are entitled to the rights and immunities of ordinary prisoners of war. If you do will you refer me to a single authority on the laws of war which recognizes such a claim? You may rest assured, general, that all prisoners of war not guilty of crime will be treated with all proper consideration and kindness. With the exception of being properly confined they will be lodged and fed and where necessary clothed, the same as our own troops. I am sorry to say that our prisoners who have come from your camps do not report such treatment on your part. They say that you gave them no rations, no clothing, no blankets, but left them to perish with want and cold.

Moreover it is believed that you subsist your troops by robbing and plundering the non-combatant Union inhabitants of the southwestern counties of this State. Thousands of poor families have fled to us for protection and support. They say that your troops robbed them of their provisions and clothing, carrying away their shoes and bedding and even cutting cloth from their looms and that you have driven women and children from their homes to starve and perish in the cold. I have not retaliated such conduct upon your adherents here as I have no intention of waging such a barbarous warfare; but I shall whenever I can punish such crimes by whomsoever they may be committed.

I am daily expecting instructions respecting an exchange of prisoners of war. I will communicate with you on that subject as soon as they are received.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding Department.

HEADQUARTERS NORTH MISSOURI RAILROAD,
Mexico, January 23, 1862.

Brig. Gen. BENJAMIN LOAN, *Saint Joseph, Mo.:*

General Prentiss desires that you station a guard at each one of the bridges from Saint Joseph to Grand River inclusive.

J. M. SCHOFIELD,
Brigadier-General.

HEADQUARTERS NORTH MISSOURI RAILROAD,
Saint Louis, January 27, 1862.

Maj. W. M. STONE,
Third Iowa Volunteers, Comdg. Post, Mexico, Mo.

MAJOR: The commanding general desires me to advise you in regard to Col. Jeff Jones, now held as a prisoner by you, that you will release him from confinement upon the following conditions, viz: He must give his bond in the sum of $10,000 that he will not leave the county of Callaway, Mo., without the written permission of Brigadier-General Schofield and that he will report in person at any military post in his

command immediately after a notice to do so shall have been left at his residence. Upon the execution of his bond as above you will give him a certificate of release and a safeguard forbidding any United States or State troops from molesting him or his family in person or property until the charges against him shall have been examined and disposed of.

Very respectfully, your obedient servant,

C. W. MARSH.

HEADQUARTERS NORTH MISSOURI RAILROAD,
Saint Louis, Mo., January 27, [1862].

Capt. LEONIDAS HORNEY,
Tenth Missouri Volunteers, Comdg. Post, High Hill, Mo.

CAPTAIN: The general directs me in reply to your communication of the 22d instant* to say that all prisoners against whom there is any evidence either of being engaged in or of aiding or abetting those who are engaged in the rebellion shall be kept and the evidence against them reduced to writing.

You will of course use the utmost diligence in ferreting out the bridge-burners and arrest if possible all who have been guilty of furnishing them with tools or arms. Your attention is particularly directed to the wealthy and influential secessionists in your vicinity against whom you may find evidence of complicity with the bridge-burners. In regard to wagons, &c., you must apply to your regimental quartermaster who should have drawn sufficient for the regiment. Supplies of provisions will be furnished in accordance with General Orders, No. 6.

Very respectfully, your obedient servant,

C. S. SHELDON,
Lieutenant and Aide-de-Camp.

HEADQUARTERS NORTH MISSOURI RAILROAD,
Saint Louis, Mo., January 30, 1862.

Captain BROADHEAD,
Assistant Adjutant-General, Louisiana, Mo.:

As soon as you can conveniently do so I desire you to go to Mexico and take all the prisoners at that place against whom there is satisfactory evidence of bridge-burning and like crimes and the witnesses in their cases and carry them to Palmyra for trial. It may also be necessary for you to remain at Palmyra during the trial to assist in presenting the evidence. This you can determine by consulting with the judge-advocate of the commission. The commanding officer at Mexico will furnish you the necessary guard for the prisoners.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

WASHINGTON, *January 31, 1862.*

Maj. Gen. HENRY W. HALLECK.

SIR: It occurs to me that it would be judicious if practicable to dispose of bridge-burners and other persons caught in citizens' dress

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* Not found.

within our lines and engaged in hostile operations in such garb as spies deserving death as such according to the laws of war. I fear it will be difficult to justify military executions for bridge-burning alone.

Respectfully, your obedient servant,

BRITTON A. HILL.

P. S.—The mud is knee-deep and has been for two weeks and more. No advance can be made by the Army of the Potomac in this state of the roads. The enemy have doubtless transferred several of their crack regiments to Kentucky upon the presumption that no advance can be made here by us.

MILITARY COMMISSION,
Danville, January 31, 1862.

Brig. Gen. J. M. SCHOFIELD, *Saint Louis, Mo.*

GENERAL: The military commission has finished the cavalry cases and is now engaged upon the bridge-burners. The records, eight in number, in the first named will be forwarded to-day. We have commenced and partially finished three of the railroad cases and are proceeding as fast as possible. We have been somewhat delayed by reason of absence of witnesses and other causes but I think now that we will be able to dispose of the business at this point in a short time.

Very respectfully, &c.,

SAMUEL A. HOLMES,
President of Commission.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, February 1, 1862.

Col. JOHN D. STEVENSON:

You will repair to Lexington, Mo., and take post at that place quartering your men in public buildings so far as practicable and taking such other buildings belonging to disloyal citizens as may be necessary for the remainder.

You are charged with preserving the peace in that section and maintaining the authority of the Government, and you will accordingly be guided in your action by the orders hitherto issued from the Department and these headquarters. All organizations against the peace of the State or the Government of the United States will be put down whether armed or unarmed, and all persons carrying on guerrilla warfare or giving aid to the enemy will be arrested and kept in confinement. Written charges against each with the testimony to substantiate them will be forwarded to the provost-marshal-general in Saint Louis who will issue the necessary order for their disposition.

All plunder and outrage committed upon the property or persons of peaceful citizens is a disgrace to the service and a serious injury to the discipline and efficiency of the troops concerned in it. You will therefore keep mounted patrols through the country in the vicinity of your post with orders to shoot down any soldiers engaged in depredating upon property or outraging peaceful citizens. This paragraph of your instructions you will publish to your command and have strictly executed.

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I am, colonel, very respectfully,

JNO. POPE,
Brigadier-General, Commanding.

SAINT LOUIS, MO., *February 3, 1862.*

Col. J. C. KELTON,
Assistant Adjutant-General, Department of the Missouri.

COLONEL: I have directed Capt. Edward Harding, of the Missouri Militia, to superintend the building of block-houses at the Peruque and Salt River bridges on the North Missouri Railroad as recommended by Lieut. Col. J. B. McPherson in his report of January 12 to Brigadier-General Cullum. I respectfully request the major-general commanding to give me the authority required by paragraph 905, Army Regulations for 1861, to employ extra-duty men for this purpose.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

COLUMBIA, MO., *February 3, 1862.*

General HALLECK:

I am reminded by the inclosed letter from Doctor Dinwiddie, one of our most intelligent and reliable Union men, of the lamentable fate which awaits the condemned bridge-burners from this county and I join him in the hope that you will commute their punishment. I will make no argument for you have no time to read it if made but will add that the reasons indicated in Doctor Dinwiddie's letter are those which I would amplify, adding further that Colonel Merrill's command here has now in prison the two ring-leaders in the bridge-burning and the captains of the ignorant youths under sentence of death. These leaders' names are Captains Watson and Petty. Merrill's command, now in charge of Lieutenant-Colonel Shaffer, is doing great good for the Union cause here—great indeed, but still hard work to do and are doing it.

Very truly,

WM. F. SWITZLER.

[Inclosure.]

GREENLAND, MO., *February 2, 1862.*

Mr. W. F. SWITZLER.

DEAR SIR: I take the liberty to write you a few lines to try to get you to use your influence in behalf of those men who are sentenced to execution for burning bridges, &c. Two of these, namely, Stephen Stott and John Patton, were my nearest neighbors and I feel a great deal of sympathy for them and their friends. Each of them have an aged mother, brothers and sisters living in sight of my house with whom I greatly sympathize, and if anything can be done to influence General Halleck or whoever has the power to pardon them or commute their punishment I would be glad to have it done.

My reasons for desiring their pardon are many and such as in my estimation ought to have much influence with the authorities if duly considered. First. These men are comparatively ignorant. Neither of these, my neighbors, knows a word of the alphabet, consequently unable to get any information from reading and I am certain that they have been coaxed and persuaded into this matter fraudulently by false representations by wicked and designing men and had they known the consequences or the penalty for such conduct they never would have engaged in it. Secondly. If General Halleck's order had been issued

prior to the commission of these crimes and the penalty clearly set before them then there would be less palliation for their crimes. I think under the circumstances it would be a magnanimous act to exercise the attribute of mercy toward these deluded men. Thirdly. The execution of these men would have a most disastrous effect on the Union cause and would prove a very curse to the Union men who are scattered about the country in a defenseless condition. It will excite in the minds of friends of these men and secesh generally a spirit of revenge which will never be allayed except in the assassination of very many Union men, and if Governor Gamble or General Halleck wishes to do an act which will tend to restore quiet and benefit the Union men and save them from plunder and assassination let them pardon or commute the punishment of these men.

If the authorities do not wish to exercise mercy toward these prisoners I think they ought at least to do so as an act of mercy to those who have stood firm by the Union, and whose lives will be greatly endangered by the act. These with many other reasons which might be named I think ought to influence those in whose hands are the lives of these men. You will confer a favor on this whole community as well as myself if you will use your influence and get others in your city (Union men) to do the same in this matter. I would respectfully suggest that you and Guitar and Moss Prewitt and others of the same character present the case by letter or otherwise to Governor Gamble, General Halleck, and if proper to James S. Rollins to obtain the opinion of the President in the matter. I have no doubt but that the execution of these men would prove more disastrous to the good cause than anything or everything that has transpired in this region. If you are well disposed in this matter your immediate attention will be properly appreciated. If anything is done it ought to be done quickly.

Yours respectfully,

A. S. DINWIDDIE.

CIRCULAR.] HDQRS. DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., February 14, 1862.

I. All persons who are known to have been in arms against the United States or to have actively aided the rebellion by word or deed are to be arrested. Those who are accused of acts in violation of the laws of war such as destruction of railroads and bridges or private property, firing into trains, assassination, &c., will not be released on any terms but will be held for trial before a military commission.

II. Notoriously bad and dangerous men though no specific act of disloyalty can be proven against them will be kept in custody and their cases referred to the commanding general.

III. Prisoners not included in either of the above classes may be released upon subscribing to the usual oath and giving a sufficient bond with good security for their future good conduct.

IV. The bond and oath should be of the form inclosed herewith.* The amount of the bond should in no case be less than $1,000 and in some cases should be much larger, varying according to the wealth, influence and previous conduct of the party. The security should in preference be a secessionist.

V. Persons now engaged in recruiting for the rebel army, also those enrolled for the rebel service, will be arrested and held as prisoners of

* Omitted as unimportant.

war. In addition to this all property belonging to such persons and which can be used for military purposes such as horses mules harness and wagons, beef cattle, forage, &c., will be seized and turned over to the provost-marshal to be disposed of according to the orders of the commanding-general of the department.

VI. Where persons who have been in the rebel service voluntarily come forward and take and subscribe to the oath of allegiance and parole and are released on bonds all property not of a military character taken from them will be restored.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

HEADQUARTERS NORTH MISSOURI RAILROAD,
Saint Louis, February 14, 1862.

Lieutenant-Colonel HOLMES,
Tenth Missouri Vols., President Mil. Com., Danville, Mo.

COLONEL: I am directed by the commanding-general to inclose to you the accompanying testimony* against Col. Jeff. Jones, of Callaway County, for your information. Whenever you may judge that you have sufficient evidence to convict the said Jones or for other purposes shall think it best so to do you will summon him for trial before your commission and send to Fulton for such witnesses as you may think necessary. Colonel Morton will furnish whatever force may be requisite to execute your orders.

Very respectfully, your obedient servant,

C. S. SHELDON,
Lieutenant and Aide-de-Camp.

SAINT LOUIS, MO., *February 15, 1862.*

J. F. JONES, Esq.

SIR: I have not found time heretofore to answer your letter of the 5th instant† and now can say but little. I have no doubt you have suffered much inconvenience from the loss of the use of your teams, &c., and I have no more doubt that all you have been or will be made to suffer will fall far short of atoning for the misery caused by you not only to Union men but to the misguided dupes who have yielded to your baneful influence. The evil effect produced by the active influence of a man of your wealth and position can hardly be counterbalanced by the loss of a few wagons and horses. I would not, however, do any man injustice nor condemn without a fair trial even one whom I knew to be guilty. I will have your case investigated by the proper tribunal as soon as possible. Until this is done I can make no decision in the case. I should be gratified if you are found less guilty than I believe you to be.

Yours, truly,

J. M. SCHOFIELD,
Brigadier-General.

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*Not found. See trial of Jones, p. 476, and General Orders, No. 15, Department of the Mississippi, releasing Jones after his acquittal.

†Not found.

GENERAL ORDERS, No. 44. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, February 20, 1862.*

I. In consideration of the recent victories won by the Federal forces and of the rapidly increasing loyalty of citizens of Missouri who for a time forgot their duty to the flag and country the sentences of John C. Tompkins, William J. Forshey, John Patton, Thomas M. Smith, Stephen Stott, George H. Cunningham, Richard B. Crowder and George M. Pulliam,* heretofore condemned to death, are provisionally mitigated to close confinement in the military prison at Alton. If rebel spies again destroy railroads and telegraph lines and thus render it necessary for us to make severe examples the original sentences against these men will be carried into execution.

II. No further assessments will be levied or collected from any one who will now take the prescribed oath of allegiance.

III. Boards or commissions will be appointed to examine the cases of prisoners of war who apply to take the oath of allegiance and on their recommendation orders will be issued from these headquarters for their release.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 21, 1862.

Maj. Gen. GEORGE B. McCLELLAN,
General-in-Chief, Washington.

GENERAL: For the events of the last two weeks I must refer you to my telegrams having had no time to write. Our successes on the Tennessee and Cumberland and in the Southwest together with the stringent measures taken here have completely crushed out the rebellion in this city and State; no more insurrections, bridge-burnings and hoisting of rebel flags.

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Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

ALTON, ILL., *February 22, 1862.*

Col. BERNARD G. FARRAR,
Provost-Marshal-General.

COLONEL: Allow me to suggest that you get General Schofield to instruct Colonel Burbank to recall the parole of Captain Sweeney, a desperado, who has committed more outrages in North Missouri than any other bandit of the whole secession horde. He is not a commissioned officer even in Price's army and his character is so well known here that all the army officers and principal citizens complain that he should be suffered to swagger about the streets and public places declaring that he would not observe his parole one moment longer than suits his convenience. All the secesh officers here have received new and elegant uniforms since General Hamilton paroled them. They were manufactured in Saint Louis by M. J. Murphy. They are making

* See "Trial of the Bridge Burners," etc., pp. 374 to 406, for the proceedings against these men.

quite a swell here. The army officers have generally quit the principal hotel on account of the swarm of gray uniforms. They do not like to mix with them. All the prominent secessionists are here in conclave with the rebel officers continually. They ought to be moved off to Chicago or some more distant point. What will I do with the poor devils released? They have not a cent. I am in want of the blanks. We have examined about 300. I propose to them the alternative of the oath and bond or a parole to go home and await exchange. They all prefer the oath. Only some five or six prefer a parole and exchange. Those I will leave here. How about the bond? Shall I give them parole of three weeks to fill and return it?

Respectfully, your obedient servant,

THO. C. FLETCHER.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
February 28, 1862.

COMMANDING OFFICER, *Alton:*

Direct that Captain Sweeney's parole be withdrawn and he be returned to prison. The paroles of all other officers now in Alton will also be withdrawn and they be sent with an escort to Columbus, Ohio.

By order of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

HICKORY PLACE, CARROLL COUNTY, MO.,
February 24, 1862.

Maj. Gen. H. W. HALLECK, *Commanding.*

DEAR SIR: Circumstances by which myself with others are surrounded make it necessary that I should trouble you for the moment. I was discharged as a prisoner of war on the 18th instant by taking an oath of allegiance to the General Government of the United States. To maintain that oath inviolate is my greatest ambition. General, I should never have been anything but a Union man if it had not been for the outrages of men who call themselves home guards and who never belonged to any regular army. The night after I got home while in my bed very sick there were ten of those jayhawkers who broke into my house and abused me very much. After leaving my house they went to an old man's house who was perfectly blind with a helpless family dependent upon him and took from him almost half he possessed on earth. He was a man who had never taken either side in any way whatever.

They are doing a vast amount of injury to the Union cause by driving hundreds to Price's army. I am satisfied that if this thing was put down that under no circumstances could Price get ten men in this county; otherwise hundreds will be driven there by desperation. They go round of nights stealing every good horse, saddle, bridle, whisky and goods of every description. The regular troops do not allow such where they are. These men are of the lowest order never having owned a cent's worth of actual property in their lives. If we had one dozen regular troops stationed at DeWitt, a town within one mile of me, they could soon put it down in this neighborhood. I should not be so plain on this subject if I had not conscientiously taken an oath

to maintain, support and defend the Constitution and Government of the United States, while I therefore believe it to be my duty to look after the interests of that Government.

You, sir, will exercise your own judgment in this matter, while I remain, truly, your most humble and obedient servant,

WM. C. BERRY.

HEADQUARTERS DISTRICT NORTH MISSOURI RAILROAD,
Saint Louis, February 24, 1862.

Col. THOMAS MORTON,
Eighty-first Ohio Volunteers, Commanding, Danville, Mo.

COLONEL:

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Prisoners on trial or to be tried by a military commission are still in charge of the post commanders though held subject to the orders of the commission when approved. You will therefore send the required list of prisoners in confinement without delay. In conclusion I must request that in the future there may be more punctuality and exactness in compliance with orders.

By request of Brigadier-General Schofield:

Very respectfully, your obedient servant,

CHARLES S. SHELDON,
Acting Assistant Adjutant-General.

HEADQUARTERS NORTH MISSOURI RAILROAD,
Saint Louis, February 25, 1862.

Lieut. S. W. BARD,
Provost-Marshal, Glasgow, Mo.

LIEUTENANT: The commanding general directs that all persons held in custody or on parole at your post accused of violations of the laws of war as set forth in section I of the inclosed circular* shall be sent under guard to Columbia for trial before the military commission now in session at that place. Prisoners of war will be sent to the provost-marshal at Saint Louis under guard. All others not included in section II will be released on bond and oath. The bonds will be sent to these headquarters a list being kept at your office for record.

Very respectfully, your obedient servant,

CHARLES S. SHELDON,
Acting Assistant Adjutant-General.

GENERAL ORDERS, No. 48. } HDQRS. DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., February 26, 1862.

I. The public press has given circulation to the following correspondence:

General E. A. PAINE, *Commanding, Cairo:*

Yesterday (February 8) several companies of our cavalry with one company of Ross' infantry scoured the country west bringing in 50 prisoners. Our cavalry also

* See circular, p. 263.

encountered a large force of rebel cavalry fifteen miles beyond Bloomfield. They succeeded in routing them, killing 7, wounding many and taking 20 prisoners. We had 2 missing and 1 wounded. They found 5 bodies known to be Union men murdered.

W. P. KELLOGG,
Colonel, Commanding.

Colonel KELLOGG, *Commanding, Cape Girardeau:*

Hang one of the rebel cavalry for each Union man murdered and after this two for each. Continue to scout, capture and kill.

E. A. PAINE,
Brigadier-General, Commanding.

General Paine in explanation of the foregoing says that at the time he received the dispatch of Colonel Kellogg he supposed they caught the rebel cavalry in the act.

The major-general commanding takes the earliest opportunity to publish his disapproval of this order. It is contrary to the rules of civilized war, and if its spirit should be adopted the whole country would be covered with blood. Retaliation has its limits and the innocent should not be made to suffer for the acts of others over whom they have no control.

II. Again by whom was this official correspondence furnished to the press in violation of the Army regulation and repeated general orders? The imputation must rest upon the two officers concerned until they account for the publication.

III. * * * Hereafter any officer who publishes without proper authority any information respecting the movements of our armies even of battles won, or any official papers, will be arrested and tried by a court-martial and the Secretary of War has directed that the whole edition of the newspaper publishing such information be seized and destroyed.

* * * * * * *

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT NORTH MISSOURI RAILROAD,
Saint Louis, Mo., February 26, 1862.

Captain HERRON,
Third Iowa Volunteers, Commanding Huntsville, Mo.

CAPTAIN: You will be guided in your treatment of prisoners by the inclosed circular.* In all cases of bad and dangerous men they will be kept and evidence sought. Soldiers from Price's army may be put under bonds if judged advisable and they have not been engaged in violations of the laws of war. Negroes will not as a general thing be regarded as property subject to seizure, and when taken for urgent reasons the same must be immediately reported to this office.

Very respectfully, your obedient servant,

CHARLES S. SHELDON,
Acting Assistant Adjutant-General.

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* No inclosure found. Probably refers to the circular of February 14, p. 263.

HEADQUARTERS DISTRICT NORTH MISSOURI RAILROAD,
Saint Louis, March 7, 1862.

Colonel HOLMES, *Danville, Mo.:*
(By telegraph to Florence.)

Take Sail's bond to reappear, adjourn *sine die* and join your regiments. The commission cannot be dissolved till its proceedings are approved. Tell Colonel Morton to turn over all prisoners to Colonel Krekel, provost-marshal at Saint Charles.

J. M. SCHOFIELD,
Brigadier-General.

HEADQUARTERS DISTRICT NORTH MISSOURI RAILROAD,
Saint Louis, Mo., March 11, 1862.

Lieut. Col. A. KREKEL,
Missouri State Militia, Comdg. Post Saint Charles, Mo.

COLONEL: The commanding general directs me to inform you that Col. Jeff. Jones may be released on $10,000 bonds to await the action of Major-General Halleck in his case. The original bond executed by him at Mexico, Mo., has been lost or mislaid.

* * * * * * *

Very respectfully, your obedient servant,
CHARLES S. SHELDON,
Acting Assistant Adjutant-General.

HEADQUARTERS DISTRICT NORTH MISSOURI RAILROAD,
Saint Louis, Mo., March 12, 1862.

Captain WARRENS,
Fifth Regiment Missouri Cavalry, Warrenton, Mo.

CAPTAIN: An order has been sent you through Colonel Morsey to proceed with two companies to Troy, in Lincoln County, and occupy that place. I want you to use your utmost exertions to ferret out and bring to justice the insurgents and jayhawkers in that region. The general order a copy of which is inclosed* will be your general guide in the discharge of your duty. You will observe that a certain kind of property only is to be seized and that only from a particular class of persons; even this to be restored if the owner voluntarily gives himself up and is found to be such a one as should be released on bond and oath.

It is of the greatest importance that you prevent your men from committing depredations upon private property. The object is not so much to punish the rebels for what they have done as to prevent them from doing injury in the future. This is to be done by putting the incorrigible out of the way either by death or imprisonment and by securing the good conduct of others through the obligation of a bond and oath while many may be reclaimed by justice mingled with kindness.

It is reported that there is an extensive organization in Lincoln and adjoining counties of men who are determined to continue their insurgent operations apparently for the purpose of plunder and revenge.

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* Omitted.

Let none of these escape you and be careful not to release improper persons on any conditions. I hope to hear the best reports from your command.

Yours, very truly,

J. M. SCHOFIELD,
Brigadier-General.

GENERAL ORDERS, No. 2. } HDQRS. DEPT. OF THE MISSISSIPPI, *Saint Louis, March 13, 1862.*

I. Martial law has never been legally declared in Missouri except in the city of Saint Louis and on and in the immediate vicinity of the railroads and telegraph lines. And even in these localities military officers are especially directed not to interfere with the lawful process of any loyal civil court. It is believed that the time will soon come when the rebellion in Missouri may be considered as terminated and when even the partial and temporary military restraint which has been exercised in particular places may be entirely withdrawn. By none is it more desired than by the general commanding.

II. It must, however, be borne in mind that in all places subject to the incursions of the enemy or to the depredations of insurgents and guerrilla bands the military are authorized without any formal declaration of martial law to adopt such measures as may be necessary to restore the authority of the Government and to punish all violations of the laws of war. This power will be exercised only where the peace of the country and the success of the Union cause absolutely require it.

III. Evidence has been received at these headquarters that Maj. Gen. Sterling Price has issued commissions or licenses to certain bandits in this State authorizing them to raise guerrilla forces for the purpose of plunder and marauding. General Price ought to know that such a course is contrary to the rules of civilized warfare and that every man who enlists in such an organization forfeits his life and becomes an outlaw. All persons are hereby warned that if they join any guerrilla band they will not if captured be treated as ordinary prisoners of war but will be hung as robbers and murderers. Their lives shall atone for the barbarity of their general.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., March 13, 1862.

Major CALDWELL,
Third Iowa Cavalry, Mexico, Mo.

MAJOR: You were correct in deciding that no terms but unconditional surrender of themselves and their arms could be granted to the rebels.

It may be well, however, to let them know that those who come in voluntarily are likely to be treated much more leniently than others. Thus General Halleck's circular provides that those who give themselves up may be released on bonds and oath and receive back all property taken from them except that of a military character while those captured are to be held as prisoners of war.

It must of course rest with the military authorities to decide after a full knowledge of the case whether a prisoner who has surrendered himself voluntarily can be released on any terms, and no promise of release can be given before arrest or surrender unless the character and conduct of the party is known.

Those who commit acts of rebellion and insurrection within the territory occupied by our troops are not entitled to be treated even as prisoners of war and probably will not be much longer. If the influential secessionists want to preserve peace and save their deluded friends from severe punishment they may as well take the fact above mentioned as the basis of their actions.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, March 17, 1862.

Maj. JOHN Y. CLOPPER,
Commanding Post at Sturgeon.

MAJOR: The assistant adjutant-general at headquarters has referred your letter* of the 14th instant to this office for reply. The taking an oath and giving a bond is not designed to operate as an amnesty for irregular warfare, bridge-burning, robbing, &c. Such persons are not to be discharged on oath and bond; only such as have been engaged in regular warfare are to be thus released. The oath taken by Burks and the bond given by him are no protection to him for offenses such as bridge-burning. Arrest him, examine the witnesses and report their evidence fully to this office and hold him for further orders.

Very respectfully, your obedient servant,

B. G. FARRAR,
Provost-Marshal-General.

HEADQUARTERS DISTRICT OF NORTHWEST MISSOURI,
Saint Joseph, Mo., March 18, 1862.

General J. M. SCHOFIELD, *Saint Louis, Mo.*

GENERAL: Late last night Colonel Catherwood returned from Liberty. In a conversation had with him I learn that the bandit, Quantrill, severely—perhaps mortally—wounded two recruits in the Missouri State Militia of those at Liberty. One was deliberately shot in cold blood after he had been taken as a prisoner. Eight were taken off as prisoners. The flag raised by General Prentiss was torn down and a secession one hoisted. Quantrill recrossed into Jackson County. Colonel Catherwood tore down the rebel flag and ran up the stars and stripes in its place. He left about forty-five men, part of Captain Johnson's company, in Liberty; the remainder would be ordered there to-day. I also learn from Colonel Catherwood that Parker stopped the steam-boat Rowena and after examining the manifest and finding the principal part of the cargo shipped to Messrs. ——— ——— he selected about six dozen pairs of boots and some other articles which he took and then permitted the boat to resume her trip. Colonel Catherwood

* Not found.

also informed me that among the prisoners captured were Henry L. Routt, a lawyer of Liberty, a most notorious rebel and a very desperate man. He has been charged with instigating the arrest of ex-Governor King last fall and of Judge Birch more recently. I suppose there can be no trouble in showing him to have been very extensively and actively engaged in the rebellion. Also President Thompson, a Baptist preacher and president of the Liberty College, it is said a very bitter, violent and bad man. He is certainly a man of ability. I think they ought to be sent to Saint Louis or confined outside of the State.

I have here in jail Robert W. Donnell, president of the Branch Bank of the State of Missouri at this place; Israel Landis and William K. Richardson, citizens of this place. They have been very active aiders in the rebellion. They are confined in jail for refusing to give bond as required by General Halleck's late circular. They persistently refuse to permit their friends to give the required bail although they have voluntarily offered even insisted on doing so. They—Donnell, Landis and Richardson—believe they are advancing the cause of the rebellion (they are professing Christians) by remaining in jail. In my opinion it would be advisable to remove them without the State. In their absence I doubt not many of their adherents being relieved of their presence and influence would return to their allegiance. To-morrow two companies—viz, Captains Phelps' and Drumhiller's—will start for Liberty under command of Colonel Kimball. Captain Johnson with his company is there, and Captain Folmsbee with his company from Gallatin will be ordered there as soon as they are paid which will be in a day or two.

Very respectfully, your obedient servant,

BEN. LOAN,
Brigadier-General, Missouri State Militia.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, Mo., March 21, 1862.

Brig. Gen. BENJAMIN LOAN,
Saint Joseph, Mo.:

* * * * * * *

In a letter received a few days ago you spoke of certain influential rebels who obstinately refuse to take the oath and give bond. Send all of that class who are sufficiently influential to do harm to Saint Louis under guard. I will provide them with a comfortable home outside the State.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
March 25, 1862.

Maj. Gen. H. W. HALLECK, *Saint Louis:*

The President orders that execution of the sentence against E. Magoffin be suspended and that the record be transmitted to this office for his consideration. Answer by telegraph.

L. THOMAS,
Adjutant-General.

HEADQUARTERS DISTRICT OF NORTHWEST MISSOURI,
Saint Joseph, Mo., March 25, 1862.

Brig. Gen. J. M. SCHOFIELD,
Missouri State Militia, Commanding, Saint Louis, Mo.

GENERAL: In pursuance of instructions contained in yours of date March 21, 1862,* I send to Saint Louis under guard Robert W. Donnell, Israel Landis and William K. Richardson, of this place, and Henry L. Routt and President Thompson, of Liberty. The first three are prominent secessionists here who were committed to jail some time since by the assistant provost marshal for obstinately refusing to give the bond as required by General Halleck's late circular. Among the rebels we have had none more potent for evil than they. I suppose it is not necessary to send the evidence in their cases they having been decided by the provost-marshal here. If I am in error in this I can have it forwarded.

Routt and Thompson were taken at Liberty at the time Colonel Catherwood was there after Quantrill. I do not know whether the evidence has been taken in their cases but it is not more necessary in Routt's case than it would be in Parsons', Rains', or perhaps General Price's should he be captured. Routt's misdeeds are almost numberless and I presume he will not pretend to deny them. President Thompson is president of the college at Liberty, a Baptist preacher. I do not know personally of his conduct but in the public estimation he has done all that it is possible for a man of his very superior abilities and acquirements and of his commanding influence could do for the cause of the rebels. If necessary I can have the evidence sent from Liberty.

I am, sir, very respectfully, your obedient servant,

BEN. LOAN,
Brigadier-General, Missouri State Militia, Commanding District.

HDQRS. RECRUITING STATION, MISSOURI STATE MILITIA,
Warrensburg, March 25, 1862.

Brig. Gen. JAMES TOTTEN,
Commanding District of Central Missouri.

GENERAL: The General Orders, No. 2,† from Major-General Halleck, dated Department of the Mississippi, March 13, 1862, has caused some stir among the guerrilla bands of this part of the country. One Mat. Houx who is a leader among them sent me a messenger to-day asking upon what terms they would be permitted to return to their homes if at all. He represents that there are as many as 300 who are willing to submit upon reasonable terms. He also intimates that in case they are to be treated as outlaws they will ruin the country, burning houses and murdering loyal men. These men are not in a body but scattered in squads of ten or fifteen. We have not a sufficient force at this place to prevent the execution of the threat—our whole force being about sixty.

I am, general, your obedient servant,

EMORY S. FOSTER,
Major, Recruiting Missouri State Militia.

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* Omitted.
† See p. 270.

WAR DEPARTMENT, *March 25, 1862.*

Governor B. MAGOFFIN, *Frankfort, Ky.:*

President's order sent by telegraph to General Halleck as requested* by Governor Crittenden to suspend execution of sentence against E. Magoffin and to send record here for President's consideration.

J. F. LEE,
Judge-Advocate.

GENERAL ORDERS, No. 13. } HDQRS., DEPT. OF THE MISSISSIPPI, *Saint Louis, March 30, 1862.*

I. Commanders of army corps, divisions, and brigades and of military districts where their commands are equal to a brigade are authorized to order military commissions to try offenses against the laws of war which are not triable by general court-martial. But all sentences of such commissions extending to loss of life, or confiscation of property, or imprisonment exceeding the term of thirty days must be confirmed by the commanding general of the department.

II. The attention of all such commanders and of all officers of military commissions is called to General Orders No. 1, of 1862, Department of the Missouri, in relation to the powers and duties of commissions as distinguished from courts-martial.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

JEFFERSON CITY, *April 1, 1862.*

General TOTTEN.

SIR: In compliance with your request I subjoin some particulars with respect to the arrest and maltreatment of Dr. Sidney Robinson and others. They were furnished me by his daughter now in this city and to her by John Morris, James Morris, William McCloud and ——— Slocum, Union men, living near Versailles. The soldiers professed to hail from Jefferson City. Two of the privates are named respectively Stillett and Kelley. Doctor Robinson was arrested last Sunday morning in Versailles whither he had gone to attend a sick grandchild. His hands were bound, a rope adjusted to his neck and other preparations for hanging him made. Finally it was proposed to let him off if he would take the oath. He refused and then it was announced that he would be sent to Cairo. Among others arrested were the following-named: Mick Jetter, Mick Robinson and ——— Johnson. One of these was twice suspended until senseless.

Doctor Robinson is one of those who claim that a man may be a political secessionist, a believer in the right of peaceable secession and yet not a disloyal citizen. I have had opportunities to know and I have yet to learn that he ever counseled disloyalty. At various times he has turned his house into a temporary hospital for the benefit of Union soldiers, and in one instance one of them dying under his roof he had him decently interred at his own expense. Doctor Robinson has personal enemies in his neighborhood of fifteen years' standing. They are now Union men and have had him arrested four times already on charges of disloyalty. They no doubt instigated the present

* Not found. Probably a verbal request made to the President.

arrest. I believe he recognizes the right of the Federal military authorities to impose the oath of allegiance. At present laboring under a galling sense of mistreatment he will probably object to taking it. If he cannot be finally discharged without taking it could he not be paroled for a brief period? A little kind treatment I think would completely disarm him.

Respectfully,

C. J. CORWIN.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, Mo., April 1, 1862.

Capt. C. H. WARRENS, *Commanding Troy, Mo.:*

I am instructed by the commanding general to direct you to make the following disposition of prisoners now held by you. All those who have been in any way connected with the operations of or belong to the recent bushwhacking gang or have had anything to do with recent acts of rebellion you will send under guard to Saint Charles for trial with all the evidence you can collect in their cases. Those who have returned from Price's army or arrested for disloyal sentiments, &c., you will discharge upon their giving proper bonds and oath unless they are notoriously bad or dangerous characters. The bond you refer to is not here.

Very respectfully, your obedient servant,

[C. W. MARSH,]
Assistant Adjutant-General.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, Mo., April 2, 1862.

General BEN. LOAN, *Saint Joseph, Mo.:*

Evidence having been brought to the commanding general that Mr. H. L. Routt, of Liberty, was promised by General Prentiss that if he would sign a pledge to remain at home a law-abiding citizen he should not be subject to arrest and that he did give such pledge to Major James at Liberty on 1st of February last he desires that you send to him the charges against Mr. Routt and the names of witnesses.

Very respectfully, your obedient servant,

[C. W. MARSH,]
Assistant Adjutant-General.

SAINT LOUIS, *April 4, 1862.*

Hon. EDWARD BATES, *Attorney-General.*

DEAR SIR: The spring term of the United States circuit court is now approaching and I write to obtain from you an official letter making some suggestions or rather giving some instructions as to the course which ought to be pursued by the civil authorities here concerning those who have been indicted either for treason or conspiracy. There is no doubt but that the amnesty held out by the governor under the direction of the convention has induced many to return sincerely to their allegiance and this may and doubtless does embrace some who have been indicted. There are some cases where they have returned and taken the steps prescribed by the military authorities and in those

cases an effort to enforce the criminal code might materially interfere with the military arrangements and produce disturbances where there would otherwise be quiet.

Of course it would not do to lay down any general rule but each case must more or less be governed by its own peculiar circumstances. Nevertheless I would like to know what the general policy of the Government is so that I may be governed by it during the ensuing term of the court.

Yours, truly,

JAS. O. BROADHEAD,
U. S. District Attorney.

SAINT LOUIS, MO., *April 4, 1862.*

Capt. LEWIS MANKER,
Provost-Marshal, Sedalia, Mo.

CAPTAIN: You will dispose of prisoners as follows:

First. Those who have been engaged in regular warfare or are arrested for general disloyalty you may release on their taking the oath and giving a bond with good security in a sum not less than $1,000 proportionate to their means.

Second. Those who have been engaged in irregular warfare, burning bridges, firing into trains, robbing Union men, &c., you will take the evidence against them in writing and send it up to this office holding them for further orders.

In all cases where prisoners are sent to your post and you have not the evidence in their cases send them to Saint Louis by first opportunity and a list to this office.

Very respectfully,

BERNARD G. FARRAR,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington City, D. C., April 5, 1862.

Major-General HALLECK, *Saint Louis:*

Your General Orders, No. 11, relating to Ellis' case, and No. 9, Kirk's case, have been received.* They are heartily approved and the form of procedure will be directed to be observed in all other departments in like cases.

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE MANSION,
Washington, April 9, 1862—12.45 p. m.

Major-General HALLECK, *Saint Louis, Mo.:*

If the rigor of the confinement of Magoffin at Alton is endangering his life or materially imparing his health I wish it mitigated so far as it can be consistently with his safe detention.

A. LINCOLN.

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*For trial of Edmund J. Ellis and Halleck's approval of sentence, see p. 453. For General Orders, No. 9, Department of the Mississippi, covering the case of William Kirk, see p. 464.

ATTORNEY-GENERAL'S OFFICE,
Washington, April 10, 1862.

JAMES O. BROADHEAD, Esq.,
U. S. Attorney Eastern District of Missouri, Saint Louis.

SIR: In answer to your letter of April 4 received yesterday it does not seem politic for me to give you at this critical moment when great changes are being made in our military and political relations with the revolted States any minute and particular instructions touching the prosecutions for treason and for conspiracy now pending in the U. S. circuit court at Saint Louis. Much must be left to your own wise discretion. A few points however may be properly stated, and first Governor Gamble's amnesty must be respected and made effectual. Besides that it is right in itself. I understand that the President is personally pledged to it. Second, it is not desirable to try many treason cases nor any one in which you have not a great probability of success. Better enter a *nolle prosequi* than be beaten. And in view of the great changes now taking place I am in no hurry to press the trial indictments for treason. After a few more military successes we may see the way of prudence more clearly. As to minor offenses such as conspiracy, plunder of public property, obstruction of the mails and the like you must judge for yourself.

Very respectfully, your obedient servant,

EDWARD BATES.

P. S.—While writing the above your other letter of April 4* touching the case of Henry L. Routt was handed me. Does not that case fall within Governor Gamble's amnesty? My first impression is that it is a proper case for pardon but as I have barely read your letter and that of Mr. Samuel's I must take a little time to consider. If my final conclusion concurs with my first thought it will cause the pardon to be issued very soon.

EDWD. BATES.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., April 10, 1862.

Lieut. Col. J. H. BLOOD,
Commanding, Tipton, Mo.

COLONEL: It is represented that you have in confinement at your post one Dr. Sydney Robinson, a citizen living in the vicinity of Versailles, Morgan County. It is represented that a Lieutenant Walldorf, Company I, Sixth Missouri Volunteers, caused the arrest of the said Doctor Robinson; that at the time of the arrest of Doctor Robinson Lieutenant Walldorf caused and permitted a rope to be adjusted around the said doctor's neck and made preparations for hanging him. Upon the doctor's objection to this outrageous and unauthorized treatment and refusing to take the oath of allegiance under such circumstances he threatened to send Doctor Robinson to Cairo but finally caused him to be conducted to your post.

It is also represented that other persons were maltreated by the party under command of Lieutenant Walldorf in the vicinity of Versailles, viz, N. Jetter, M. Robinson and one Johnson, one of whom was twice suspended by the neck until senseless. It is further represented that Doctor Robinson at the time he was arrested was on a visit to Versailles to a sick grandchild and quietly performing his legitimate occupation.

* Not found.

It is represented that Doctor Robinson has never taken up arms against or given aid and comfort to the enemies of the Government but that he is simply a sympathizer with the Southern element; that he has prevented, however, his son from joining the rebel army and that he has at various times turned his house into a temporary hospital for the benefit of Union soldiers, and in one instance one of these dying under his roof he had him decently buried at his own expense.

If these representations be correct as above set forth Lieutenant Walldorf and his party deserve the severest punishment for their outrageous disregard of law, order and discipline. Lieutenant Walldorf has violated the orders of General Halleck published at various times for the regulation of arrests and he must answer for his disregard of these orders. You will therefore call upon the said officer for an explicit statement and full report in the cases above cited; you will also investigate the matter yourself with all the scrutiny essential to such an important case, and if you find Lieutenant Walldorf and the members of his party have been guilty of the conduct set forth against them and have acted unauthorizedly without orders from yourself you will arrest and prefer charges against all concerned in the affair and transmit a full report of the matter in this case along with said charges to these headquarters.

If there are no charges which can be substantiated against Doctor Robinson of his having openly taken up arms against the Government of the United States or of his having aided and abetted treason you will require him to take the oath of allegiance to the United States and give bonds for his future loyal good conduct to the amount of $1,000, after which you will release him and allow him to return to his home without any further molestation.

You are requested to make a report immediately upon this affair.

I am, colonel, very respectfully, your obedient servant,

LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.

HEADQUARTERS,
Tipton, Mo., April 10, 1862.

Capt. LUCIEN J. BARNES, *Assistant Adjutant-General:*

F. A. Walldorf, acting lieutenant, has submitted to me a statement of which the following is a copy:

Yours was duly received, and in regard to the hanging match I have to say that it was done at Captain Rice's suggestion and approval and that the statements of my guides led me to conclude that Mr. Sidney Robinson was actually connected with a gang of jayhawkers who were traced from his house. Further I would remark that when I said he should not be hanged if he could find one man to speak in his favor as a just, honest, good Union man all (with one exception, one who was arrested by Captain Rice as a spy) testified that they knew no good of him. The second person (a boy) did acknowledge being connected with said jayhawkers and described the horses. Mrs. Crook I am informed had been harboring a secesh recruiting officer and recruits and the appearance of the house led me to think it was so. No white person was about the house and the negroes said they left when the troops came in town. Upstairs all the carpets seemed to be brought up and used as beds with blankets, quilts, &c., and on the lower floors no carpets were used. Mike Chism was said to have boarded a part of the men and he was a near neighbor. Also the house contained ten or twelve empty canisters of the kind known as powder canisters.

Yours, very respectfully,

F. A. WALLDORF,
[*Acting*] *Lieutenant, Sixth Missouri Infantry.*

J. H. BLOOD,
Lieutenant-Colonel, Commanding Post.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, Mo., April 12, 1862.

Col. ARNOLD KREKEL, *Saint Charles, Mo.:*

I am directed by the commanding general to instruct you to forward under guard to this city the prisoners sentenced by the military commission which convened at Danville and ordered by Major-General Halleck in General Orders, No. 15, dated headquarters Department of the Mississippi, Saint Louis, April 3, 1862, to be confined in the military prison at Alton. The officer in command of the guard will report to these headquarters for further orders. Send them by the morning train. Inclosed find official copy of General Orders, No. 15.

Respectfully,

[C. W. MARSH,]
Assistant Adjutant-General.

HEADQUARTERS,
Tipton, Mo., April 12, 1862.

Capt. LUCIEN J. BARNES, *Assistant Adjutant-General:*

For some time previous to the 20th of March daily complaints came to headquarters of outrages committed upon Union citizens living in and around Versailles most of which could be traced to a band of some fifteen or twenty jayhawkers. These were all perpetrated during the night time. Those taking the most active part in these matters were disguised in some manner, as with false whiskers, slouched hats, army overcoats, &c., which led to the conclusion that they were citizens of that part of the country. On the evening of March 22 they fell upon two Federal soldiers and stripped them completely of all their clothes.

Becoming so bold I determined to find them out and bring them to justice. With this intention I secretly fitted out an expedition to start from here late in the day in wagons and arrive late in the evening at an appointed place in the infested neighborhood. I had selected good men for the purpose and had prepared full instructions. The evening of the 24th of March was the one selected for putting in execution the plan. The orders for the Moniteau County expedition and the substitution of Company D for Company H at this post entirely disarranged the arrangement. The result was Acting Lieutenant Walldorf and men of Company D were sent by Captain Van Deusen instead of those I had selected.

I deem this preliminary statement necessary, first, to show the necessity of the expedition; second, to show how it was that Walldorf came to go in command. From all the evidence I can obtain relating to the trip I submit the following summary—leaving you to decide upon the merits whether those concerned shall be held to answer in the manner referred to by you in your note ordering an investigation: I have examined numerous persons in regard to the affairs in question and their testimony is all to the same effect in regard to the hanging. Acting Lieutenant Walldorf requested three of the State militia, two citizens, and Edward Tigh, of Company I, Sixth Missouri Volunteers, to act as jury upon the case, believing as they did that he (Robinson) was connected with the band of jayhawkers whom they supposed they had traced from his house by numerous horse tracks leading therefrom. Mr. William V. Parks, a man well known as a reliable person (one of the citizens), acted as foreman. The decision of this jury was that

although justice required immediate hanging mercy should hold him for a less prompt retribution. 'Tis true a rope was adjusted around his neck but he was not harmed at all.

Up to this point after his arrest he had been very abusive, using expressions like the following: "All your devilish artillery can't make me take an oath to support such a Constitution as you are fighting for," and "all the devils in hell combined with all the military power of the United States could never make a Union man of me." There were some fifteen citizens gathered and none of them would say a word in his behalf when called upon to do so and all the testimony of his neighbors and the Union men of Morgan County goes to show that they believe him deserving of the most extreme penalty of the law, and I may add the women got up a petition praying that he be kept during the war at least. All these circumstances combined with his statement to Mr. Parks that he would arm his negroes and had bought revolvers for every member of his family justly led Walldorf to believe him capable of being a leader in this system of jayhawking.

All the Union citizens I have seen uphold him (Walldorf) in his course and say, "He is just the one for their country." The representations made to you are if I am any judge in the matter widely apart from the facts. He has often been seen "packing arms." He has by his own confession given comfort to enemies of the Government. He not only did not prevent his son joining the rebel army but furnished him a horse to go with and if Union soldiers have occupied his house as a hospital nobody I can find knows of it.

Regarding his giving up the house of Mrs. Crook to plunder I have collected the following facts: He was directed there by some citizen with the idea that a recruiting officer stopped there; arriving none but negroes could be found who on being questioned separately said that they had gone when the soldiers first came into the neighborhood and that there were sixteen of them. Other testimony goes to show that a large squad were there the day before. These circumstances and the appearance of the house inside were conclusive evidence that Mrs. Crook had been harboring the enemy to an alarming extent and decided Walldorf to give the house up for pillage. A son of Mrs. Crook lately from Price's army was also known to have been there. (Mrs. Crook has recovered many of her things.)

The above statement contains the facts I have been able to collect regarding the questionable conduct of Acting Lieutenant Walldorf. The discrepancies between the information furnished you and the facts as they exist have decided me to forward this statement and await your further orders before preferring the charges called for by yours of the 10th instant.

Respectfully, your obedient servant,

J. H. BLOOD,

Lieutenant-Colonel Sixth Missouri Volunteers, Comdg. Post.

P. S.—I omitted to state that the other person who was hung most (a person by the name of Chittenden) confessed his complicity with the gang, told five names connected with it and said there were ten or twelve others; also described some of the horses they had stolen and said the gang left that morning and would camp that night on Buffalo Creek twenty miles distant. News has just come of the apprehension of some of the gang at Warsaw, one John McCloud riding a horse stolen from the Mr. Parks referred to above among them.

J. H. B

GENERAL ORDERS, No. 17. } HDQRS. DIST. OF CENTRAL MISSOURI, *Jefferson City, Mo., April 22, 1862.*

I. It is with feelings of unfeigned horror at the hellish crimes perpetrated and a profound loathing, abhorrence and disgust for the fiendish outlaws who committed them that the brigadier-general commanding the District of Central Missouri once more calls the attention of the U. S. troops both volunteer and Missouri State Militia under his command to the necessity of increased and constant vigilance tempered with caution and prudence as well as justice and protection toward the innocent, in order that these great, growing and terrible outrages of every sort may be put an end to and the outlaws infesting the district exterminated.

Reports of murders, robberies and indeed of every crime known as felony and less criminal offenses reach these headquarters from every part of the district so that it has become dangerous for peaceful, law-abiding citizens and especially good Union citizens to pursue their legitimate vocation without molestation and imminent danger. The country is infested with bands of murderers, robbers and other outlaws of every shade of turpitude known to the criminal calendar, and in some instances (as recent evidence too plainly proves) these wretches are disguised under the uniform of our patriotic army and are pretending to act under and by authority of the United States. These base and bloodthirsty beasts in human form have by their deeds, their boasts and their threats placed themselves beyond the pale of law and must be dealt with accordingly. As the innocent victims of these miscreants are made to suffer without cause and without trial or hearing of any sort (save their cries for mercy uttered in the agonies of terror and death which pass unheeded) so must their brutal, lawless and vandal tormentors be dealt with and no mercy shown them. Reasoning with outlaws is of no avail. The law and its faithful officers are set at defiance by these armed and ruthless agents of anarchy and hence they must be subjected to their own code and punished without mercy upon the spot when found enacting or banded together for the enactment of their foul deeds. It is therefore ordered for the observance of all concerned:

II. That hereafter whenever and wherever bands of guerrillas, jayhawkers, marauders, murderers, &c., are found in arms in open opposition to the laws and legitimate authorities of the United States and the State of Missouri the miscreants of which they are composed are to be shot down by the military authorities when commanded by commissioned officers upon the spot where caught perpetrating their foul acts. And at all times and in all places when our troops no matter by whom commanded are forcibly opposed by outlaws these latter are to be exterminated at all hazards.

III. That all persons who have or shall in future knowingly harbor or in any manner encourage guerrillas, jayhawkers, robbers, murderers or other outlaws in their nefarious deeds will be arrested and kept in close confinement until tried by a military commission or other court as may be deemed expedient at the time.

IV. That where evidence cannot be produced to establish the guilt of parties accused of harboring and encouraging the lawless marauders, &c., above named but against whom there is strong circumstantial evidence and suspicion they are to be placed under heavy bonds with good and reliable security to keep the peace and for their future good

conduct and also required to take the oath of allegiance; and when they refuse or neglect to do this they are to be confined and so held until released by proper authority.

By order of Brig. Gen. James Totten, commanding district:

LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.

Trial by Military Commission of Bridge-Burners, Marauders, Etc.

GENERAL ORDERS, No. 10. } HDQRS. WESTERN DEPARTMENT, *Saint Louis, Mo., September 12, 1861.*

I. Before the military commission which convened at the Saint Louis Arsenal on the 5th instant, pursuant to Special Orders, No. 118, current series, from these headquarters, the following prisoners were arraigned, viz:

Phinneas P. Johnson, William Shiftell, Jerome Nall, John Williams, James R. Arnold, Charles Lewis, John Deane, Doctor Steinhoner, W. W. Lynch, T. J. Sappington, James Thompson, Thomas Grigsby, John Crow, David E. Perryman, John W. Graves, Alfred Jones, William Durnham, C. H. Hodges, James Marr, G. S. Yertes.

Many of the prisoners above named were found without any charge whatever lodged against them; others had but trivial charges, and being unable to procure witnesses in their respective cases the commission deemed it expedient to have the same released which was carried into effect after a rigid cross-examination and having the oath of allegiance duly administered in each individual case.

The commission would respectfully report to the commanding major-general that they have found imprisoned in the arsenal a great many persons charged with being spies and traitors. These charges were not sustained by any evidence whatever. The persons taking them prisoners did in most cases send no names of witnesses along. In others the names of witnesses were sent without their address and residences. Some were sent here prisoners because one Union man considered them dangerous.

The commission has felt itself obliged to release most of these prisoners. Some suspicious looking were retained on no further evidence than their own confession and suspicious appearance and behavior.

The commission would respectfully suggest that orders be issued preventing persons from being arrested unless there is some strong circumstantial proof of facts of which your commission can avail itself. It seemed to your commission, even, and it is with deep regret that they are compelled to report such things to you, that in few cases men were arrested as spies and traitors and sent here because they raised objections when their property was taken away. In other cases their property was taken while they were absent in prison without any cause whatever.

* * * * * * *

The reflections contained in the report of the proceedings have occurred to the commanding general. He is surprised to find that in many of the cases no evidence whatever has been presented to the commission. He concurs in the opinion expressed relative to groundless charges against citizens, unwarrantable seizures of their persons and unjust depredations upon their property.

The attention of commanders is again called to the full observance of the orders that have been issued from these headquarters concerning arrests.

By order of Major-General Frémont:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDERS, No. 12. } HEADQ'RS WESTERN DEPARTMENT, *Saint Louis, Mo., September 26, 1861.*

I. Before the military commission which convened at the Saint Louis Arsenal on the 5th instant, pursuant to Special Orders, No. 118, current series, from these headquarters, was tried—

Joseph Aubuchon.

CHARGE: Treason against the Government of the United States.

Specification.—In this, that Joseph Aubuchon, of the town of Ironton, Iron County, State of Missouri, did become an adherent of open rebellion against the Federal Government, by taking up arms against the same, by assuming and exercising the functions and office of lieutenant in the rebel army within the limits proper of the State of Missouri from and after about the 20th day of August, 1861.

PLEAS AND ANSWERS: The commission find the prisoner as follows:

Of the specification, guilty, except the words "By taking up arms against the same, by assuming and exercising the functions and office of lieutenant in the rebel army;"

Of the charge, guilty.

And does therefore sentence him, Joseph Aubuchon, "To be confined at hard labor during the existing war and to have his property confiscated."

II. The proceedings, findings and sentence of the commission are approved.

On the recommendation of the members of the commission and in consideration of the fact the offense charged occurred previous to the proclamation of the commanding general of the department the sentence against Joseph Aubuchon is remitted. He will be released from confinement and permitted to return to his home.

By order of Major-General Frémont:

J. C. KELTON,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 2. } HEADQUARTERS, *Ironton, Mo., September 24, 1861.*

Before the military commission which convened at Ironton, Mo., September 21, 1861, was tried—

William Perry.

CHARGE: Treason against the United States Government.

The commission in the case of William Perry find him guilty of treason and sentence him to hard labor during the war, and all his realestate and personal property (if any there be) is hereby confiscated and declared the property of the United States.

II. The proceedings and finding of the commission in the case of William Perry are approved. Colonel Hovey, Thirty-third Illinois Volunteers, will see that the prisoner is kept at work on the fort at Ironton and that he is kept in charge of the guard when not at work. The commanding officer at Potosi will seize all personal property that may belong to said William Perry and forward it to the quartermaster at this post who will account for it to the United States and use it for the public service. The commanding officer at Potosi will also report if William Perry owns any real estate in or near Potosi.

By order of Colonel Carlin, commanding post:

A. L. BAILHACHE,
Adjutant.

SPECIAL ORDERS, No. 10. } HEADQUARTERS, *Ironton, Mo., September 29, 1861.*

Before the military commission convened at the Pilot Knob House on the 29th instant was tried—

William Hildebrand.

CHARGE: Treason against the United States Government.

The commission find the accused guilty of treason against the United States Government and do sentence him to hard labor during the existing war between the United States and the revolting States.

II. Before the same military commission was tried—

Thomas M. Cooper.

CHARGE: Treason against the United States Government.

The commission find Thomas M. Cooper guilty of treason against the United States Government and do sentence him to hard labor during the existing war between the United States and the revolting States.

III. Before the same military commission was tried—

George W. Higginbotham.

CHARGE: Treason against the United States Government.

The commission find the charges against George W. Higginbotham not sustained and recommend that he be immediately discharged from confinement, and further ask that the commander of the post issue an order forbidding the arrest of persons without evidence of their guilt.

IV. Proceedings and findings of the military commission in the foregoing cases are approved. The sentences in the case of William Hildebrand and Thomas M. Cooper will be carried into effect by Col. J. W. S. Alexander, who will see that they work on the fort at Ironton in charge of a guard. George W. Higginbotham is released from arrest.

The commanding officer is reluctantly compelled to disapprove of the manner in which Mr. Higginbotham was arrested. While approving the zeal which dictated his arrest he most positively prohibits any deception by which people may be inveigled into an expression of their sympathies against the United States.

By order of W. P. Carlin, colonel commanding post:

A. L. BAILHACHE,
Adjutant.

Trial of William Hearst, accused of bridge-burning.

Proceedings of a military commission held at Saint Louis, Mo., by virtue of the following order:

SPECIAL ORDERS, No. 81. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *Saint Louis, December 21, 1861.*

* * * * * * *

IV. A military commission is hereby appointed to meet in this city on Monday, the 23d instant, at 10 a. m., or as soon thereafter as practicable, for the trial of such persons as may be brought before it.

Detail for the commission: Brig. Gen. S. D. Sturgis, U. S. Army; Col. R. D. Cutts, of the staff; Lieut. Col. John Scott, Third Iowa Volunteers; Maj. E. W. Chamberlain, First Iowa Cavalry; Capt. T. W. Sweeny, Second Infantry, U. S. Army. Col. R. D. Cutts will act as judge-advocate and recorder.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SAINT LOUIS, MO., *January 10, 1862—10 a. m.*

The commission met pursuant to adjournment and the above order.

Present: Brig. Gen. S. D. Sturgis, U. S. Army; Col. R. D. Cutts, of the staff; Lieut. Col. John Scott, Third Iowa Volunteers; Maj. E. W. Chamberlain, First Iowa Cavalry.

The accused, William Hearst, and his counsel also present.

The judge-advocate having read the order convening the commission asked the accused, William Hearst, if he had any objection to any member named therein to which he replied that he had not. The commission was then sworn by the judge-advocate, the judge-advocate taking the oath at the same time as a member of the commission in the presence of the accused.

The accused was then arraigned upon the following charge and specification, which were read aloud to the commission by the judge-advocate:

CHARGE: Violation of the laws of war.

Specification.—In this, that he, William Hearst, of Jefferson County, Mo., did aid and assist in the burning of the Iron Mountain Railroad bridge across Big River, Jefferson County, Mo., thus risking and putting in jeopardy the lives of innocent persons traveling on said road, the same being done in violation of the laws and usages of war. This on or about October 16, 1861.

The judge-advocate then addressed the accused as follows: "You, William Hearst, have heard the charge and specification preferred against you; how say you, guilty or not guilty?"

To which arraignment the accused pleaded as follows:

To the specification, not guilty.

To the charge, not guilty.

JOHN W. WILSON, a witness for the prosecution, was duly sworn.

By the JUDGE-ADVOCATE:

Question. State your name, residence, and occupation.

Answer. John W. Wilson; reside at Big River bridge, Jefferson County, Mo.; am a farmer.

Question. Do you know the accused, and if so how long have you known him?

Answer. I know him, and have been acquainted with him for about fourteen years, but during four and one-half years of that time I was in California. I was in California from 1852 to 1856.

Question. Since your return have you been in the habit of seeing him often, and how far did he live from your house?

Answer. He lived about eight or nine miles from my house, and I have often seen him at Morse's store and at post-office formerly kept at our house, and also at place where the post-office now is.

Question. Were you at home at the burning of Big River bridge, and how far did you live from it?

Answer. I was. I lived about 150 yards from it.

Question. Did you witness the burning of the bridge?

Answer. I saw it—the bridge on fire and the setting fire to the bridge. Before the burning of the bridge I was arrested by a man who called himself Jeff. Thompson. He released me, however, when some men spoke to him and told him I was a farmer who lived there. At the moment of my release I was about 200 yards from the bridge. I then met men coming with fire toward the bridge and I said to them, "For God's sake, don't burn the bridge; it will break us citizens up." I recognized no one among the men going with firebrands in their hand toward the bridge but Mr. William Hearst. The firebrand held by him was about one and one-half feet long.

I then turned round and seeing some men taking my rails I went after them to prevent them, when they cursed me. As I went down to our house I met Perkins, and I looked back and saw the bridge on fire and a lot of men around the bridge—say twenty or twenty-five men—some standing on the bridge, the flames ablazing up on the sides, and other men standing on the embankment on Jefferson County side. There were also about twenty-five men on the other side of bridge beating and hammering, as if they were tearing up the track. I then went to our house and staid there about one and one-half to two hours and then went from our house to Blackwell Station, Saint Francois County. There I met a lot of men, citizens of the county, who had come in on hearing the firing. Saw bodies of two secessionists lying on the platform who had been killed by Lippincott's men. Captain Lippincott (Illinois volunteers) had come to re-enforce Captain Elliott's company at the bridge. There had been a fight early in the morning, about 7 a. m., between Captain Elliott's company and the secessionists, and the former, about forty in number, were taken prisoners by the latter. The secessionists then moved toward Blackwell Station where they were met by Captain Lippincott, both parties firing. I did not see but heard the firing. The bridge was burnt about 8 a. m. about the 15th of October, 1861. The bridge was burned while some of the secessionists, mostly cavalry, were on their way to Blackwell Station.

By the ACCUSED:

Question. Were there any officers in command of the men who burned the bridge?

Answer. I suppose there were. Some had swords, some had long knives. Heard an order given by one man with captain's straps on his shoulder and saw the order obeyed.

Question. Do you belong to any secret order or society of men by which you are bound by oath to do all in your power to punish Hearst as a deserter from the army of Jeff. Thompson?

Answer. I decline to answer.

By the COMMISSION:

Question. How near to bridge was accused when you saw him with firebrand in his hand, and did you see him apply the torch?

Answer. He was about thirty or forty yards from bridge. I spoke to him as he passed. Other men had just preceded him fifteen or twenty steps with firebrands in their hands. I did not know who they were. I did not see him apply the torch.

Question. Were the secessionists in uniform, or part of them only, and what proportion so far as you could judge?

Answer. I did not see any persons in uniform except the person who called himself Jeff. Thompson and the captain I have alluded to. The best part of them had overcoats on of different colors, and may have had uniforms on under them for all I know.

There being no further questions to propose to the witness the evidence he had given was read to him and he was dismissed.

WILLIAM BLACKWELL, a witness for the prosecution, was duly sworn.

By the JUDGE-ADVOCATE:

Question. State your name, occupation, and residence.

Answer. William Blackwell, of Saint Francois County; a farmer; and reside on Iron Mountain Railroad.

Question. How far do you live from Big River bridge?

Answer. Some 300 or 400 yards southeast of bridge.

Question. Do you know the accused, and how long have you known him, and were you accustomed to see him often?

Answer. Yes; some ten or twelve years. Saw him occasionally, at one time frequently, and at another time, when he moved to a greater distance, not so often.

Question. Were you present at the burning of the Big River bridge?

Answer. I was not at the bridge but saw it from my house aburning.

Question. Did you see any person engaged in the burning of bridge?

Answer. Yes, sir; I saw a good many men running down from the camp which they had captured on the hill, with something in their hands emitting smoke; appeared to be on fire. I was so far off I could not see the fire itself. I did not recognize Mr. Hearst in that crowd; I was so far off—300 or 400 yards—I could not recognize him, but recognized him after the bridge was on fire in the crowd going down the railroad line, and that was the last time I saw Mr. Hearst until he was a prisoner.

Question. How far were you from the accused when you recognized him?

Answer. I was close to him—a few paces off—as he passed my house. Can't say whether he was armed or not. He was going southward when I saw him. There had been a fight in the morning before bridge was burned between Jeff. Thompson's men and Captain Elliott. The latter were taken prisoners and disarmed after the fight at the bridge and the burning of it. There was also a fight at Blackwell Station.

Question. Did the fight at Blackwell [Station] take place after the bridge was burned?

Answer. After, sir; the firing was heard by me after I saw the bridge on fire.

By the ACCUSED:

Question. About how many men composed the army or company which passed your house going from the bridge?

Answer. I suppose there were about 140 or 150 men.

Question. Was any portion of railroad track torn up on the south, Saint Francois side, of the bridge?

Answer. I think there were a few rails torn up.

There being no further questions to propose to the witness, the evidence he had given was read to him and he was dismissed.

The examination by the prosecution was here closed.

HENRY P. BATES, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. Are you acquained with me?

Answer. Yes; I have known him since a boy.

Question. At what time did you see me last before my arrest and where?

Answer. I saw him about the 5th of November at my place of doing business, called Morse's Mills, on Big River, Jefferson County, Mo.

Question. Did you request Captain Dover or other U. S. officer to arrest me, and at whose request did you do so, and for what reason?

Answer. I wrote to Captain Dover to go and arrest Mr. Hearst at his own solicitation. The reason, as he told me, using his own expression—that he had joined Jeff. Thompson's army; that he was not going back there, and wished to be arrested as a prisoner of war of the United States; also that he wished to avail himself of the ordinance of the State convention and of the proclamation of Governor Gamble. The reason of his request to be arrested instead of giving himself up, as he stated, was that he feared the punishment that would be inflicted on him as a deserter in case he should fall into the hands of the rebel army.

Question. Did Captain Dover arrest me? If not, why?

Answer. No, sir; Captain Dover, being absent from his post, did not get my letter before he was arrested by Captain Miller, of the detective police.

Question. Did I go voluntarily to you and propose my arrest, and where was I arrested?

Answer. He came voluntarily to me and asked me if I could not have him arrested. I cannot say of my own knowledge where he was arrested; but before leaving I said to him, "William, where will you be found in case I send some one to arrest you?" And he answered that he would be found at home. At the time alluded to Mr. Hearst appeared quite penitent and could not speak of the subject without tears. I was not aware, at the time, that he was in the neighborhood.

Question. Do you know my past reputation as a citizen? and if so what has it been?

Answer. I have known Mr. Hearst for a long time; his general reputation was good—a good neighbor and fast friend when he was attached to any person. In point of education, very limited; he seldom reads. I would state that the present position of Mr. Hearst before this court was brought about by my advice to him.

By the JUDGE-ADVOCATE:

Question. Was he at home or in such position in regard to U. S. forces that he could or would have been arrested whether you had written to Captain Dover or not?

Answer. If he had not followed my advice and gone home he could have avoided being arrested.

Question. Was he within the lines of the U. S forces at that time?

Answer. Yes, sir.

There being no further questions to propose to witness the evidence he had given was read to him and he was dismissed.

JOHN TOMBS, a witness for defense, was duly sworn.

By the ACCUSED:

Question. Are you acquainted with me?

Answer. Not personally.

Question. State your knowledge of my acts showing an intention to avail myself of the benefit of the amnesty provided by the ordinance of the Missouri State convention passed on 16th of October, 1861, before the time of my arrest.

Answer. On or about the 3d of November last the brother of the accused came to me and said that he and his brother had come home with the intention of staying at home. He requested me to go to see Colonel Lawson the next morning (Monday) and state to Lawson that they had come home with the intention of staying, and to ask his advice whether they had better deliver themselves up to him or to troops at Big River bridge. I went to Lawson next morning, and he said he would go with them up to the force at Pilot Knob, if they would go up there with him. He said that if they would deliver themselves up as prisoners of war he would take them up to Pilot Knob. He told me to go back and tell them to keep out of the road until he could go up with them, as he had to go to Saint Louis, and would not be able to go up with them for a few days. I came back about 1 or 2 o'clock same day and told George Hearst, brother of accused, the message Colonel Lawson sent, and to tell his brother to keep out of the way until he, Lawson, returned from Saint Louis, for the reason that the troops at Big River bridge would treat him very roughly if they took him. There was a sick child at George's house, so that he could not go down to his brother William's house until Wednesday morning, and in the meantime they came and took his brother. The brother of accused came back the same evening and told me that his brother William was taken. George Hearst delivered himself up to Colonel Lawson, took the oath of allegiance, and is now at home with a pass. Colonel Lawson belongs to U. S. forces.

There being no further questions to propose to the witness the evidence he had given was read to him and he was dismissed.

WILLIAM BLACKWELL, a witness for the prosecution, recalled.

By the JUDGE-ADVOCATE:

Question. Was Big River bridge the day before or some time previous to its being burned within the lines of the U. S. forces?

Answer. Yes; there were U. S. troops to the southward of bridge.

Evidence read to witness by judge-advocate and he was dismissed.

The accused represented to the commission that an important witness in his behalf was not in the city of Saint Louis, but would be here in two days; and having satisfied the commission that the evidence expected from said witness was necessary for his proper defense the case was postponed to Monday, January 13, at 10 a. m.

The commission then adjourned to meet to-morrow, Saturday, January 11, at 10 a. m.

—

SAINT LOUIS, MO., *January 11, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present.

The absence of Capt. T. W. Sweeny, Second Infantry, U. S. Army, on yesterday was due to the fact as stated by him that he presented himself to the sentinels on Gratiot street, the route usually taken by members of the commission to their office, for the purpose of proceeding to the said office and to the performance of his duties when he was stopped by the sentinels; and when he informed them that he was a member of the military commission they still refused to let him pass and he therefore turned back.

There being no business before the commission it adjourned to meet on Monday, January 13, 1862, at 10 a. m.

—

SAINT LOUIS, MO., *January 13, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present.

The accused, William Hearst, also present.

The proceedings of January 10 and 11 were read over to the commission by the judge-advocate.

THOMAS E. MOTHERSHEAD, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, residence, and occupation.

Answer. Thomas E. Mothershead; live within eight miles of Hillsborough, western part of Jefferson County, Mo.; a farmer.

Question. Do you know me, and how long have you known me?

Answer. We were boys raised together, and I am thirty-two years old. We lived within one and a half miles of each other until we were married.

Question. Have you any knowledge of my enlistment as a soldier in the army of Jeff. Thompson, and if so, when and where did the enlistment occur?

Answer. I have some knowledge of it. I was in Bloomfield, Stoddard County, Mo., and went down to the camp of Colonel Lowe's regiment, in Jeff. Thompson's

army, and there I saw William Hearst and several others whom I knew, and Hearst told me that he was going to enlist and asked me to go up with him. We went up together to the headquarters of Colonel Lowe, and there Colonel Lowe swore him in as a private soldier in my presence. I saw him after that several times in the company to which he belonged.

Question. State the reputation as a citizen I have hitherto enjoyed, and also any knowledge you may have of the influences brought to bear upon me to induce me to go into the rebellion.

Answer. He was a citizen of Jefferson County, a farmer, peaceable as any man you could pick out down there; reputation as good and honest as any man in the country. I have seen William Hearst there frequently in county; and there were some men in the home guards at De Soto who did not like Hearst, and would report that he (Hearst) had been drilling there for the purpose of whipping the home guard, and through their influence and action he became satisfied that his life was in danger if he stayed there. He thought so and so expressed himself to me. He told me that was the cause of his going down to the army, and he said after he got down there that if he thought the men of the home guard would not pester or molest him he would go back home and stay there, and would have nothing to do with Jeff. Thompson's army. We had frequent conversations on the subject before he left and he always expressed these sentiments. He was a man that would rather do anything else than leave home; always talked in that way—that is, that he would not leave home unless afeared of persecution by some men of the home guard. One of these men was a cousin of Hearst's, and had been hired by him as a farm hand, and he would not work unless William Hearst was with him, and William discharged him, and he consequently became an enemy.

Question. Were you in Jefferson County at the time the bridge over Big River was burned?

Answer. No, sir; I was not.

Question. Have you any knowledge of the fight at Big River bridge or at Blackwell Station on or about October 16, 1861, and whether the burning of said bridge by Jeff. Thompson and his men was necessary to effect their escape or not?

Answer. I have no knowledge of the fight or of the burning of the bridge except from hearsay.

By the JUDGE-ADVOCATE:

Question. Do you know the names of the officers in command or the name of the regiment in which the accused enlisted at Bloomfield?

Answer. I know some of them. The captain's name was White, and the first lieutenant's name was Whittaker Martin. It was a cavalry company attached to Colonel Lowe's regiment, under Jeff. Thompson.

Question. What was the date of the enlistment of the accused?

Answer. I think it was between the middle and the last of September, 1861.

Question. You say that the accused, William Hearst, had been reported by some men of the home guard at De Soto as drilling men to whip the home guard; do you know whether this accusation was true or false?

Answer. It was false to my personal knowledge. I know he never did; he could not do it.

There being no further questions to propose to the witness the evidence he had given was read to him by the judge-advocate and the witness dismissed.

The examination by the defense was here closed. The accused then presented his written defense, appended to these proceedings and marked A, which was read to the commission by the judge-advocate.

The commission was then cleared for deliberation, and having maturely weighed and considered the evidence adduced find the accused, William Hearst, of Jefferson County, Mo., as follows:

Of the specification, guilty.

Of the charge, guilty.

And the commission does therefore sentence the said William Hearst, of Jefferson County, Mo., to be shot to death.

S. D. STURGIS,
Brigadier-General, U. S. Army.
RICH'D D. CUTTS,
Colonel, U. S. Army, and Judge-Advocate.

The commission then adjourned to meet to-morrow, Tuesday, January 14, 1862, at 10 a. m.

The commission having thus performed the painful duty of awarding punishment in conformity to the laws of war and to General Orders, No. 32, 1861, which deprived them of all discretionary power, beg leave to recommend the case of William Hearst to the merciful consideration of the confirming authority.

The members of the commission engaged in the trial have reason to believe that the prisoner is an unusually stupid and ignorant man, and not capable of discriminating between the lawful commands of a superior officer and those that are criminal; that he enlisted in the rebel ranks more from unfounded fear of his neighbors than from any deep-seated feeling of disloyalty, and that he voluntarily delivered himself up as a prisoner when he could have escaped arrest.

S. D. STURGIS,
Brigadier-General, U. S. Army.
RICH'D D. CUTTS,
Colonel, U. S. Army, and Judge-Advocate.
JOHN SCOTT,
Lieutenant-Colonel Third Iowa Infantry.
E. W. CHAMBERLAIN,
Major First Iowa Cavalry.

EXHIBIT A.

Being illiterate I was made the dupe of bad men who have hitherto borne such a good name in my neighborhood that I was led to place confidence in them. I never entertained a thought of overthrowing the Government, but went to Thompson's army through fear of Federal troops whom I was induced to believe were coming upon me and my neighbors with fire and the sword to commit an indiscriminate slaughter. I was told and believed that the Federal troops were usurping authority and destroying the guarantees of the Constitution. Thus misled I went to Jeff. Thompson's rebel army, who I believed were fighting for the Constitution against usurpation of the President.

The evidence shows that I there enlisted in a company organized as I understood by authority of the laws of the State of Missouri. Being regularly mustered into the said army I became subject to the orders of the officers of the company and battalion. We were ordered to march up to the Big River bridge. We were told that the destruction of that bridge was a military necessity, and were ordered by our officers under the penalties inflicted by military law for disobedience of orders to destroy the bridge. I felt it was wrong at the time, and hesitated. The bridge was fired by others not by myself. The statements of the

witness Wilson are untrue. He was present at the burning of the bridge and was as active as any of the men of Thompson, and as much rejoiced at our success. A confrere and associate of the leading secessionists in Jefferson County before that time, his hesitancy and refusal to answer as to his membership of the order of Knights of the Golden Circle must be satisfactory to the court of his complicity with the schemes of the rebellion and the wicked purposes of his statements. The evidence shows how I returned to my home as soon as I found that I could do so and as soon as it was shown to my understanding how greatly I had been duped.

The proof shows that I returned and offered to comply with the provisions of the ordinance of the Missouri State convention to obtain the amnesty there offered. This I was prevented from doing by my arrest and imprisonment. I did hesitate to go voluntarily and surrender myself; I knew the fearful punishment which the members of the order of the Knights of the Golden Circle were sworn to visit upon a deserter from the rebel army and I therefore requested Mr. Bates and sent for Colonel Lawson to send and have me arrested.

In good faith I laid down my arms, relying upon the amnesty promised by the convention and which I am informed the President of the United States has recognized and agreed to respect. I have been humbugged into the folly and crime of rebellion. I saw the deception practiced upon me, and felt the folly and crime I had been guilty of. I sought to return to my allegiance. I was assured of safety in so doing. I would not have been taken had I not desired it. The proof shows this. My hands bear no stains of blood. I was never in a battle. All that I did was in a regular manner of regular warfare. If I am not permitted to return to my allegiance under the provisions of the ordinance of the convention I am still entitled to the treatment of a prisoner of war. This I do not desire as I do not wish to be exchanged. I submit my fate to this commission. If the punishment I have endured be not sufficient for unintentional crime I have been guilty of toward my country I am willing to endure more. What I may not ask of the justice of the commission I may entreat of its mercy that I may be permitted to return to my allegiance my home and my family, and by future loyalty and devotion to the Constitution and Union of the United States endeavor to atone for the error of the past.

WILLIAM HEARST.

The finding and sentence are approved; but in consideration of the recommendation of the members of the commission, on account of the general ignorance and stupidity of the prisoner the sentence is mitigated to confinement in the military prison during the war.

H. W. HALLECK,
Major-General.

Trial of Col. Ebenezer Magoffin, accused of murder and violation of parole.

SAINT LOUIS, MO., *February 6, 1862—10 a. m.*

The commission* met pursuant to adjournment

Present as follows: Brig. Gen. David S. Stanley, U. S. Army; Col. R. D. Cutts, of the staff; Lieut. Col. John Scott, Third Iowa Volunteers.

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* Constituted by Special Orders, No. 81, p. 284. Brig. Gen. D. S. Stanley, U. S. Army, relieved Brig. Gen. S. D. Sturgis, U. S. Army, on this commission in pursuance of Special Orders, No. 59, January 20, 1862, omitted.

The accused, Col. Ebenezer Magoffin, also present.

Capt. Lewis [Louis H.] Marshall, Tenth U. S. Infantry, being present [in pursuance of an omitted order of General Halleck], the judge-advocate asked the accused if he had any objection to Captain Marshall being a member of the commission, to which he replied he had not. Capt. Lewis Marshall, Tenth U. S. Infantry, was then duly sworn by the judge-advocate in the presence of the accused.

The accused then presented his plea to the jurisdiction of the commission for the offense set forth in the specification under charge 1, which plea was read to the commission by the counsel for the accused, and will be found attached (marked A) to these proceedings.

The commission was then cleared for deliberation, and after duly weighing the argument and reasons adduced the doors were reopened and the president announced the decision of the commission to be adverse to the plea of jurisdiction as urged by the accused.

The accused was then arraigned upon the following charges and specifications, which were read aloud to the commission by the judge-advocate:

CHARGE 1: Killing in violation of the laws of war.

Specification.—In this, that he, Ebenezer Magoffin, of Pettis County, Mo., not being a legitimate beligerent did wantonly and maliciously kill and murder George W. Glasgow, a sergeant in Company C, First Illinois Cavalry, and a soldier in the service of the United States by shooting him with a ball from a gun or pistol. This at Georgetown, Pettis County, Mo., on or about the 1st day of September, 1861.

CHARGE 2: Violation of parole.

Specification—In this, that he, Ebenezer Magoffin, of Pettis County, Mo., said to be an officer in the rebel army, having on or about the 10th day of December, 1861, given his parole of honor not to resume arms against the Government of the United States and having in consideration therefor received a safeguard dated December 10, 1861, did violate said parole of honor. This at or near Milford, Johnson County, Mo., on or about the 18th day of December, 1861, where and when said Magoffin was captured in arms and in league with the enemies to said Government of the United States.

The judge-advocate then addressed the accused as follows: "You have heard the charges preferred against you; how say you, guilty or not guilty?"

To which he pleaded as follows:

To the specification, first charge, not guilty.

To the first charge, not guilty.

To the specification, second charge, not guilty.

To the second charge, not guilty.

Lieut. Col. E. B. BROWN, a witness for the prosecution, was duly sworn.

By the JUDGE-ADVOCATE:

Question. State your name and rank.

Answer. E. B. Brown; lieutenant-colonel of the Seventh Regiment of Missouri Volunteers.

Question. Are you acquainted with the accused?

Answer. I am.

Question. Have you within the last two months had any business with the accused in your official capacity as an officer in the U. S. service? And if so state what that business was.

Answer. On or about the 6th day of December, 1861, I was stationed at Sedalia, Pettis County, Mo. At that time it was reported that the accused was in the vicinity of his residence, about twelve miles distant from Sedalia, making an effort to see his wife, who was dangerously ill. It was also reported that he was desirous

of visiting her under the protection of the United States Government. At the intercession of friends of the Government, who were also friends of the accused, Col. Fred. Steele, of the Eighth Iowa, acting brigadier-general of the U. S. troops stationed at that post, ordered me to meet the accused at some point to be agreed upon and offer him a safeguard that would permit him to visit his family without molestation. In accordance with that order I met the accused at the residence of Col. James R. Hughes on or about the 10th day of December. In the interview, which lasted about half an hour, I agreed with him upon the terms under which he could meet his family and remain with them for a limited period, he giving me his verbal parole of honor that during that time he would commit no act against the Government of the United States or communicate any information he should come in possession of. I went with him to his own house, and after remaining there about an hour I left with him a written safeguard under the agreement previously made at the residence of Colonel Hughes. The safeguard was written in the usual form, and essentially as follows:

"A safeguard is granted to Col. E. Magoffin, protecting him in person and property until the 20th day of December, 1861. Officers and soldiers of the U. S. Army will obey this order, and in no way molest him or his family."

It was signed by order of Col. F. Steele, commanding post at Sedalia, with my name and rank as acting aide to General Steele. My regular duties were as commissary and quartermaster of the Fifth Division of the Army of the Missouri. I had no conversation at that time with the accused after he entered his house. On December 15, 1861, it was reported to Colonel Steele that the accused desired an extension of his safeguard, and as the command was ordered to move on that day toward the Osage River, and would not probably return before the 20th, he ordered me to leave another safeguard with Colonel Hughes, to be by him delivered to the accused if he chose to accept it. A copy of that safeguard or the original was sent some time after to headquarters of the department. On the night of December 19, 1861, a large number of prisoners were brought into camp at Clear Creek, about nine miles east of Warrensburg. Those prisoners were delivered into my charge, and amongst them was the accused. I was not personally present when the prisoners were taken. They were delivered to my charge by order of General Pope, as being a body of men or soldiers of the Southern Confederacy taken in arms at Milford on the afternoon of that day. The next day the command moved toward Sedalia the accused being with me most of the time, and he remained at Sedalia after the command arrived on his parole given by me and by order of Colonel Steele until the body of prisoners was sent to Saint Louis. When I met the accused first at Clear Creek on the morning following the capture I expressed my surprise to find him there and away from his home. He answered: "I have returned the safeguard with a letter of explanation. I was convinced there would be an attempt made to assassinate me and that my life was not safe at my own house." He said that he was not in arms; that he was traveling with the body of men who had been captured for his own protection. At numerous times while we were together he reiterated the same sentiments, but acknowledged that he was among the prisoners and was at Milford at the time of the fight between our troops and the enemy. I asked him why he did not give notice to the commander of the post at Sedalia of his apprehensions of being assassinated, and either ask for a guard to protect him at his own house or come within the lines at Sedalia for protection. He replied that there seemed to be an unaccountable bitterness of feeling toward him and that he would not feel safe so long as he remained in that part of Missouri. The safeguards and paroles were given and received under the supposition that the accused was an officer in the army of General Sterling Price, which the accused claimed and acknowledged himself to be, although claiming no command at Milford when taken.

Question. In your statements you allude to two safeguards written for the accused on December 10 and December 15, 1861; were they both written by you, and were they identical in terms and language?

Answer. They were both written by me, but were not identical in language though they were in general terms. The last safeguard said it was given by order of General Halleck. The first did not cite General Halleck's authority. The last safeguard was unlimited in duration.

Question. In the safeguard left by you with the accused on or about December 10 was there any prohibition in the safeguard or statement to the same effect against the taking up of arms or communicating with the enemy on the part of the accused?

Answer. It expressed in general terms that the accused should receive the protection of the United States Government so long as he remained a loyal citizen. It was

written in ink amid much distress in the family There was but one piece of paper to be found in the house and that small, and the safeguard was necessarily expressed in few words. I do not recollect the exact language used.

Question. In your statement you say that on the 15th of December you were directed by Col. F. Steele to leave another safeguard in case the accused should determine to accept it. Do I understand you to say that the parole was given and the first safeguard delivered to the accused with a view merely to allow him to visit his family; or was it with the understanding that he was to become and remain a loyal citizen?

Answer. When I met him at the residence of Colonel Hughes on the night of December 10, 1861, I said to him that I had been ordered by the commanding officer at Sedalia to offer him the protection of the Government, so that he could visit his family and remain at home if he chose to do so. I also stated that Colonel Steele had been advised that such was the wish of the accused. The accused replied: "I wish to see my wife; and as I have been exposed to the weather, sleeping out on the prairie at night, I am not in a condition to think intelligibly, as my mind is so harassed, and I wish ten or fifteen days to give an answer" (it was in answer to a proposition for a permanent safeguard), and that in the meantime he would give a decision. I then told him that I would give him the safeguard for the limited time he wished, and took his parole. At the time of the giving of the first safeguard the accused was not viewed in the light of a prisoner of war further than the giving of the safeguard and the receiving of the parole would constructively make him so; that he would be at liberty at the time the safeguard expired to leave his home and place himself in the same position as before I met him—that is, as an enemy. The proposition to the accused to visit his family was volunteered by the Government.

Question. Would you recognize the safeguard last written by you if shown to you?

Answer. Yes, sir.

Question. Is this the safeguard? (Showing paper, marked B, and attached to these proceedings.)

Answer. Yes, sir; this safeguard was written on the 15th, but dated back to the 10th, at the time when I received the parole. The object of so doing was to correct any supposed imperfections that might have existed in the first.

By the ACCUSED.

Question. How far is Hughes' residence from the home of the accused?

Answer. About ten miles, I should judge.

Question. Was the safeguard, the first one, written at Hughes' or after you and the accused went to his house?

Answer. After I went to the house of the accused.

Question. Did you give the paper to the accused in person after you wrote it?

Answer. I did not. I went to his room to give it to him, and he was holding his wife in his arms, who was supposed to be dying. I handed it to a member of his family—his daughter, I think. It was given in accordance with the agreement made at Colonel Hughes' house.

Question. Have you ever seen the first safeguard since you wrote it, and are you sure that anything was written in that paper about loyalty to the United States?

Answer. I have not seen it since I wrote it, and I have only a general recollection of its terms, and am not positive whether the word loyalty to the United States was used. I think it was.

Question. In the conversation you have already recited between you and the accused at Clear Creek, and afterward elsewhere, was anything said by the accused about the insufficiency of the safeguard to protect his property from the depredations of the soldiers of the United States? If so, state what it was to the best of your recollection.

Answer. There was no conversation that expressed an insufficiency of the safeguard. He stated that an officer who had been there with a small command, and to whom was presented the first safeguard that I left at his residence, doubted its validity when first shown to him, but afterward obeyed it By validity I mean genuineness. I do not know who the officer was. I staid at the house of Colonel Hughes the night of the 10th and until after breakfast on the morning of the 11th; and when on my return to Sedalia in company with Colonel Hughes I learned that there was a body of soldiers at the house of the accused who had ordered breakfast and refused to recognize the safeguard, I immediately turned back for the purpose of ascertaining in relation to it; and when within about a mile of the accused's residence I met a man who I believe was a member of the family of the accused who told me that the officer and soldiers had left and had recognized the authority of the safeguard. I then turned back and pursued my journey.

Question. Did you not in your official capacity learn that the property of the accused was destroyed by the U. S. soldiers and his hogs slaughtered by them in spite of the safeguard?

Answer. I did not.

Question. In the last safeguard written by you you use the words in reference to the accused, "Ebenezer Magoffin, formerly a colonel in the Southern Confederacy." What were the words in reference to the accused in the first?

Answer. I do not recollect.

Question. How long have you been stationed at or near Sedalia?

Answer. Since November 17, 1861.

Question. State to the court how long you have known the accused, what have been your means of knowing his character, and what that character is.

Answer. I met the accused once in August last, previous to December 10, 1861. I have known him by reputation particularly since the middle of July, 1861. I was in command of the U. S. troops at Jefferson City and on the line of the Pacific Railroad west. In July and August of that year heard very often of the accused as being an active enemy of the Government and general reputation of being a bad man. I had opportunities during that time and during the time I was stationed at Sedalia this winter of learning more of his character. I have never been able to learn of any act of a marauding character or that was different from that pursued by other enemies of the Government in that part of the country during the time. His reputation among Union men in Pettis County is that previous to the present war he was known as a high-toned, honorable gentleman.

Question. Are you able to state whether there did exist in the part of Missouri around Sedalia a bitter hostility against the accused?

Answer. There is—among the less intelligent of the loyal home guards.

Lieutenant-Colonel FISCHER, a member of the commission, made his appearance during the session, and as soon as possible after he was notified of the fact; but not having heard the earlier part of the witnesses' testimony and not being consequently qualified to vote or act in the present trial he was excused from being present.

The commission adjourned to meet to-morrow, Friday, February 7, 1862, at 10 a. m.

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SAINT LOUIS, MO., *February 7, 1862—10 a. m.*

The commission met pursuant to adjournment.

Present: Brig. Gen. David S. Stanley, U. S. Army; Col. R. D. Cutts, of the staff; Lieut. Col. John Scott, Third Iowa Volunteers; Capt. Lewis Marshall, Tenth Infantry, U. S. Army.

The accused, Ebenezer Magoffin, also present.

The proceedings of yesterday were being read by the judge-advocate, when by the assent of the commission and the accused the further reading was dispensed with.

The examination of the witness, Col. E. B. BROWN, was resumed.

By the ACCUSED:

Question. Was or was not the accused regarded and treated by the officers of the United States in command at Sedalia and at other posts in Missouri as a belligerent of the grade of colonel in the ranks of the enemy?

Answer. He was.

Question. Had you any reason to doubt the status thus assigned to him?

Answer. I had not.

Question. Had you or had you not official information that the accused was in the battle of Carthage in arms against the U. S. forces in the capacity of aide to the governor of the State, Claiborne [F.] Jackson; that he afterward raised a regiment in the counties of Saline and Pettis, in this State, in virtue of a commission as colonel, under the proclamation of Jackson, or of his major-general, Sterling Price?

Answer. No information on the subject, official or otherwise.

Question. Where were you stationed at the time of the battle of Carthage?

Answer. Jefferson City, Mo., which is sixty-four miles from Sedalia.

Question. What portion of this State did the home guards which you have referred to as bitterly hostile to the accused occupy?

Answer. I know of it only in the vicinity of Sedalia.

Question. How far is it from Sedalia to Clear Creek? and how far from Sedalia to Warrensburg? How far from the residence of the accused is Clear Creek?

Answer. Sedalia to Clear Creek, twenty-six miles; Sedalia to Warrensburg, thirty-five miles; residence of accused to Clear Creek, I do not know the distance certain—I think about twenty-five miles.

Question. Did you or did you not at Otterville, in this State, in your capacity of an officer of the United States treat with the accused? If your answer be in the affirmative, state the capacity in which the accused was recognized by you and the general character of the treaty you made with him.

Answer. I did treat with him. He was recognized by me as a private citizen. I was at Otterville with my command about the 14th of August, 1861, where I met a committee of seven gentlemen, of whom the accused was one, sent for the purpose of making a treaty from a camp about twelve miles north of that place who the committee alleged were banded together in a private capacity for the purpose of protecting themselves against marauding bands of home guards and other parties claiming to be soldiers. The treaty was not as one between two belligerent parties. The committee disclaimed any wish, desire or intention of taking up arms against the Government of the United States and agreed to disband and go to their homes upon the issuing of orders preventing soldiers without any show of authority from arresting private citizens or taking their property. I issued the orders, sent about 1,000 copies to the camp from which the committee was sent and moved my command back to Jefferson City. Immediately on receipt of the orders the camp was broken up.

Question. Had you ever seen the last safeguard sent by you to the accused from the time you sent it up to the period when it was shown to you yesterday by the judge-advocate?

Answer. I saw it with a letter that was directed to Colonel Hughes in which the safeguard was inclosed when returned.

Question. In whose hands were the safeguard and letter when shown to you, and when and where?

Answer. In the hands of Colonel Steele at Sedalia, about December 23, 1861.

By the JUDGE-ADVOCATE:

Question. How far and in what direction is the house of the accused from Milford where he was taken prisoner?

Answer. I should think about fifteen miles, and the direction about northeast.

Question. Will you state whether within your knowledge there was any application direct or indirect on the part of those speaking for the accused or in his name to obtain for him a safeguard on giving his parole.

Answer. There was a direct application at Sedalia and at his residence. I do not know whether it was authorized by the accused or not.

Question. Was there no hostility toward the accused on the part of the intelligent loyal home guards, or was not that hostility general among all loyal citizens and soldiers?

Answer. There seemed to be a marked personal interest and friendship on the part of the intelligent loyal citizens and home guards for the accused, but strongly condemned his course in connecting himself with the enemies of the Government.

Question. Do you know or have you reason to believe that the hostility of the loyal home guards or of any other soldier or citizen would lead them to rob or maltreat the accused whether he had or had not a safeguard?

Answer. I have no reason to believe that they would. I never heard him threatened by any body or person.

Question. Do you know of your own knowledge that the accused was a colonel in the service of General Price or of the Confederate States, or only from hearsay?

Answer. Only from hearsay. I do not know of my own personal knowledge.

Question. State the date when the treaty was made with the committee of seven gentlemen and whether or not the accused informed you that he was a private gentleman or an officer in the service of General Price, or of the Confederate States.

Answer. On or about the 14th of August, 1861. I had no conversation with the accused at the meeting of the committee referred to. Maj. James B. Harris was the organ of the committee; and through him and in the presence of the entire committee I learned that the parties in the camp referred to did not wish to be considered in any other light than private citizens.

Question. Had you any conversation with the accused about August 14, 1861, in reference to his being a private gentleman and not an officer in arms against the United States?

Answer. I did not.

By the COMMISSION:

Question. In your interview with the accused was there anything said concerning the accused returning the safeguard should he change his intention of remaining at home?

Answer. There was not.

Question. At the interview with the accused was anything said or agreed upon as to the accused reporting himself to the commander of the district or post, and if so was any time or place designated?

Answer. There was a conversation relative to his meeting the commander of the post for the purpose of making an arrangement by which he could remain at home but no time or place agreed upon. Two days afterward I saw the accused at his house and he said that he would prefer not to go to the post for the purpose of the interview referred to, alleging as a reason that there was a bitter feeling against him and he feared that he would be subject to violence—at any rate to being annoyed.

By the ACCUSED:

Question. At that interview (the first) did the accused see or read or have read to him the first safeguard before you left his house?

Answer. He did not.

Question. You say there was something said in the first interview about the accused going to the commander of the post; where was that—at Hughes' house or at the residence of the accused?

Answer. At the house of Colonel Hughes.

Question. Did the accused at any time, either at the first interview or the second, abandon his expressed desire to take time of ten to fifteen days to consider what he would ultimately do as to remaining at home?

Answer. He did not. I had no conversation with him in relation to that subject except at the first interview.

Question. At the second interview what seemed to be the condition of the mind of the accused? I mean as compared with its condition when you first met him.

Answer. I could make no comparison, as in the second interview the deep affliction he was in seemed to absent all other feeling as he was at the funeral of his wife.

There being no further questions to ask the witness the testimony he had given was read to him and he then requested permission to add as follows:

In the first interview at the residence of Colonel Hughes his mind was so much distracted that he was unable to keep up a connected conversation, and so evident was the distress under which he was laboring that I was impressed with the idea that he was bordering on insanity and so expressed myself to Colonel Hughes.

JAMES R. HUGHES, a witness for the prosecution, was duly sworn.

By the JUDGE-ADVOCATE:

Question. State your name and rank.

Answer. James R. Hughes.

Question. Are you acquainted with the accused?

Answer. I am.

Question. Do you or do you not know anything in regard to the reported giving of a parole by the accused? and if so state the time, its terms and circumstances connected therewith.

Answer. I do. On the 9th day of December, 1861, I went to Sedalia to see if I could not get a parole for Mr. Magoffin, and after I had reached Sedalia I saw Colonel Brown and represented to him that I had been a practicing physician of Mrs. Magoffin. I told him that her case was a very critical one and that I very much desired that Colonel Magoffin should be enabled to get a parole; that I believed his wife would die; and represented the case in as humane light as I could—as I was justified in doing—that he might be with her. After holding said interview with Colonel Brown he immediately went to General Steele. General Steele and

Colonel Brown returned to me and I related the same circumstances to General Steele that I had to Colonel Brown. General Steele's reply to me was that if I could communicate with Mr. Magoffin and find out if Mr. Magoffin would consent to an interview with him that he would give him a safe conduct in and a safe conduct out if they did not come to terms. I returned from Sedalia through Georgetown, requested Mr. Ira Barnes to go to Mr. Hutchison, the father-in-law of Mr. Magoffin, and for him (Ira Barnes) and Mr. Hutchison to meet me at my house as soon as they could, which they did about 3 o'clock in the afternoon. I related to them the interview between General Steele, Colonel Brown and myself and requested Mr. Hutchison if he could communicate with Mr. Magoffin that I believed that General Steele would grant him terms to return to his wife that would be perfectly satisfactory to himself. Mr. Hutchison told me that he could and that he would and let me know during that night. About 1 or 2 o'clock that night Mr. Hutchison came to my house and told me that Mr. Magoffin had consented to an interview with General Steele. I suggested that Mr. Magoffin should come to my house before daylight and that I would report the designated place of meeting as being at my house. Mr. Magoffin arrived at my house before daylight that morning. On that morning about daylight I started back to Sedalia to communicate with General Steele. After I told him that Mr. Magoffin was desirous of said interview General Steele then remarked to me that he would have to telegraph to General Halleck to know if he could give him a parole without taking the oath. I had told him that Mr. Magoffin would not take the oath; had not told him so that morning but previously. I waited at Sedalia during that entire day with a great deal of impatience, and I suppose it was about sundown when I called upon General Steele for the last time. He told me that he had not received any satisfactory answer to his dispatches. He had forwarded several that day so he told me. I urged upon him the necessity that if anything was done it must be done immediately. General Steele went into his office and handed me a piece of paper which he told me would give Mr. Magoffin the privilege of going home and of being protected. I did not read the paper. I immediately asked Colonel Brown to accompany me to my house which he readily consented to do. I then told General Steele that Colonel Brown was going with me. General Steele then authorized Colonel Brown to give Mr. Magoffin a parole or safe conduct or whatever it was, and at which time I handed back to General Steele the paper he had previously handed me. Colonel Brown and myself immediately ordered Colonel Brown's buggy and went immediately out to my house at which place we found Mr. Magoffin. I took Colonel Brown up to the room in which Mr. Magoffin was and I immediately withdrew, staying away from the room as long as I believed it was necessary for them to come to an understanding. I then returned to the room, anxious that Mr. Magoffin should be at home as soon as possible with his wife; but they had not touched upon the question at all. As soon as I discovered that I started to withdraw again and Colonel Brown called me back. Colonel Brown then addressed Mr. Magoffin and asked him what it was he desired—that is as well as I can recollect. Mr. Magoffin replied he wished the privilege to go to the sick-bed of his wife in safety. Colonel Brown asked him for what length of time he desired to remain at home as well as I can recollect. Mr. Magoffin replied ten or twenty days; that within that time the condition of his wife would be terminated one way or the other. Colonel Brown replied that he should be privileged to do so. I suggested myself right then the point to Mr. Magoffin to take a perpetual parole or conduct or whatever you may call it—(upon explanation) I mean a safeguard. Mr. Magoffin replied that he was not in a condition of mind to determine upon that matter, and asked if he could have that privilege within the time of determining whether he would make it perpetual or not. Colonel Brown promptly responded yes. I immediately suggested that I did not wish to lose any time and told Mr. Magoffin to get ready and we would take him over to his house, which we did between the hours of 10 and 1 o'clock at night of the 10th. After we reached Mr. Magoffin's house we found Mrs. Magoffin in a dying condition. Mr. Magoffin was at her bedside. Colonel Brown and myself were not disposed to disturb him. Colonel Brown called for pen, ink and paper and wrote the safeguard without Mr. Magoffin's knowledge. The safeguard was a promise of protection of person and I believe property to Mr. Magoffin until the 20th of the month. After Colonel Brown and myself had remained there an hour or more he (Colonel Brown) handed me the safeguard and I handed it to Mrs. Isaac Hutchison, Mr. Magoffin's sister-in-law. I told her of the importance of the paper and at a proper time for her to hand it to Mr. Magoffin; and shortly afterward we left and went to my house arriving there some time between 1 and 4 o'clock in the morning. I do not know whether Mr. Magoffin ever saw the paper or not; but I took it for granted that he had. This occurred on Monday night, the 9th of December, but I don't know whether it was before or after 12 o'clock at night. Colonel Brown and myself arrived at my house about 10 or 10.30 p. m.; remained there not less than one hour and then started for Mr. Magoffin's house, distant about three or three and a quarter miles. We were in a two-horse buggy; suppose it took

us half an hour to travel the distance. Can't tell exactly how long I was in the house before the safeguard was written. On the Saturday afterward (December 14) I received a verbal message from Mr. Magoffin desiring to see me and on that evening I rode out to his house. I was then at Sedalia. I saw Mr. Magoffin out at his hog-pen in company with Mr. Hardin. After I had been there some little time Mr. Magoffin told me that he desired permission to accept of his perpetual parole or safeguard or whatever else it was,—for he and I considered it a continuation of the same that he had already received,—and asked me if I would obtain it for him. He told me that he did not consider himself safe in his present position; that troops had passed through his place that day and had killed a number of his hogs. I told him that I could get it for him. I returned to Sedalia that evening and reported to Colonel Brown and General Steele what Mr. Magoffin desired. The next morning quite early Colonel Brown handed me the perpetual parole, safeguard or whatever you may call it just on the eve of starting upon the Milford expedition. After they had started I made an effort to get a pass for myself from the provost-marshal which was refused me on the ground that orders had been issued that no person should be permitted to pass out of the lines. I then made a second application and told him that my business was with Mr. Magoffin, stating its character. He then ordered a guard to take me through the lines. I went directly to my own house, took tea and afterward rode over to Mr. Magoffin's. Mr. Magoffin was sent for and I told him that I had his parole, safeguard or whatever it may be and I showed it to him, and he asked me to read it and I did so. He and I discussed the conditions that were imposed upon him by that. He asked me the question that if any of his relations or friends that had been engaged in Price's army were to come to his house about mealtime could he allow them to eat. My reply was, "Do as I would do under just such circumstances—give them their dinner," tell them he had given his parole and he would not be troubled with them any farther. After talking in general terms we separated and I went home leaving the paper with him.

The hour of 3 o'clock having arrived, the commission adjourned until to-morrow, Saturday, February 8, 1862, at 10 a. m.

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SAINT LOUIS, MO., *February 8, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present except Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of yesterday were being read by the judge-advocate when by assent of the commission and the accused the further reading was dispensed with.

The examination of the witness, JAMES R. HUGHES, was resumed.

By the JUDGE-ADVOCATE:

Question. Would you recognize the paper you allude to were you to see it?

Answer. I think I should.

Question. Is this the paper? (Showing the witness the paper marked B attached to these proceedings.)

Answer. Yes, sir; this is it.

Question. Did you or did you not have any conversation with or make any application to Colonel Steele or other officer of the United States in regard to giving a permit to the accused to visit his family or to stay at home before the 9th day of December, 1861? and if so state the character of the application.

Answer. I did not to General Steele in person but did have the conversation with and did make the application to Colonel Brown. I told Colonel Brown several days before the 9th that Mrs. Magoffin had requested me to see the authorities there at Sedalia if he could not return home and remain there in quiet and safety.

Question. Had you any authority direct or indirect from the accused authorizing or approving of such application in the first interview you had with Colonel Brown on the subject?

Answer. Upon a return visit of mine from north Missouri I called at Mr. Magoffin's to see his wife and I found Mr. Magoffin in there. Just before I left his house I took him out and had a conversation with him; told him of his wife's condition and asked him if I could make any arrangements for his return would he do so? He told me that he would. There was nothing said as to the terms that I recollect of. The exact date of this conversation I do not recollect; it might have been two weeks or might have been four weeks before the 9th of December. The week preceding the 9th as well as I recollect I had another interview with Mr. Magoffin and told him that I did not believe he could get a parole or other paper heretofore alluded to without taking the oath of allegiance which I insisted upon his doing. After some little lapse of silence on Mr. Magoffin's part he told me he could not take the oath.

Question. Did he at either of the above interviews express any desire or authorize you to apply for a permit or parole to see his family or remain for any length of time at home?

Answer. I think that in the last interview that he expressed himself that he would like to get a parole without taking the oath. That conversation did occur. I impressed upon him that he could not get a parole without taking the oath and he expressed some anxiety to receive the parole without the oath he and I believing right then that the matter was ended; but being at Sedalia on the 9th and still hearing of the sinking condition of his wife on my own responsibility I brought the matter up before Colonel Brown again.

Question. After your conversation with the accused on the 15th of December, 1861, did you have anything further to do in connection with the safeguard?

Answer. On the 18th of the month as well as I can recollect I received a letter from Mr. Magoffin with that paper inclosed. The letter was dated on the 16th as well as I can recollect, it having been delayed two days—one day at my house and one day at Mr. Hutchison's. If the letter was dated on the 17th I received it on the 19th, as there were certainly two days' interval between its date and receipt.

Question. Is this the letter you allude to? (Showing him paper marked C and attached to these proceedings.)

Answer. This is the letter. The letter and paper remained in my possession from the 18th until the Sunday morning afterward, the 22d. The reason why I did not return them was that General Turner was in command of the post and I thought it right and proper that I should hand them to General Steele. I returned them on the Sunday alluded to to Colonel Brown.

(See paper marked C.)

A notice having been served on the accused to produce the first safeguard given to him by Colonel Brown the accused stated that it was not in his possession. (See paper marked D attached to these proceedings.)

By the ACCUSED:

Question. What was the state of mind of accused at the interview between him, Colonel Brown and yourself?

Answer. He appeared to me to be a man who was not entirely himself and I attributed it to want of rest and distress on account of the condition of his family.

Question. Have you in your evidence thus far given stated all that was said or done by accused at the interview at your house between him and Colonel Brown touching the arrangement made there by which accused was to go home and see his wife?

Answer. No; I have not stated all but all the important features that I can recollect, except that when I made the proposition for him to accept of his perpetual parole he put his hand up to his forehead and stated that he was not in a condition of mind to determine that matter; that everything appeared confused to him.

Question. At that interview what if anything did the accused promise or pledge himself to do?

Answer. I could not say that he promised anything; I do not recollect that he did.

Question. You say that in going upstairs to the room in which Colonel Brown and accused were you found that they had not touched the matter of arrangement. How did you find out that fact?

Answer. They were talking upon other matters.

Question. After you, Colonel Brown and accused started for the house of accused and after the arrival of all at his home was there any conversation on the subject of the arrangement or its terms before the safeguard was written by Colonel Magoffin?

Answer. Not within my knowledge.

Question. Was anything said at your house by Colonel Brown or yourself as to the propriety or impropriety of making stipulations with the accused on account of the perturbed condition of his mind?

Answer. Not that I remember.

Question. Have you no recollection of being told by Colonel Brown that he considered the accused as on the verge of insanity?

Answer. After we had left Mr. Magoffin's house on our return to my house Colonel Brown told me that he believed that Colonel Magoffin's mind was seriously threatened.

Question. Was or was not the main object of the interview at your house to make an arrangement by which the accused could have the privilege to see his wife then supposed to be in extremis?

Answer. Yes, sir.

Question. After Colonel Brown and the accused did take up the matter of the arrangement were you present during the whole of the interview till the arrangement was made?

Answer. I am under that impression for the reason that the first question was on the part of Colonel Brown: "Well, Mr. Magoffin, what is it that you want?" Mr. Magoffin's reply was to be privileged to return home to see his wife.

Question. Why did Colonel Brown and you go with Magoffin to his house?

Answer. It was known there were some scouts in that neighborhood and that Mr. Magoffin could not in all probability get to his house without we accompanied him. It was known to Colonel Brown and myself.

Question. Where and when was the privilege granted to the accused by Colonel Brown to go to his wife?

Answer. It was granted verbally at my home before 12 o'clock on Monday night, the 9th.

Question. State all who went from your house to Magoffin's that night with the accused, and how they went.

Answer. The driver (George), Colonel Brown, Colonel Magoffin and myself.

Question. Was or was it not the object of Colonel Brown in thus going to insure the safe conduct of the accused to his home?

Answer. Yes, sir.

Question. Have you no recollection of the accused entering into terms at your house with Colonel Brown that he would not for a limited period take up arms against the United States or give information to the enemy?

Answer. The mere fact of my understanding that such would be the case, that I don't remember that it was spoken of. I took it for granted that that was the understanding; otherwise I would not have had anything to do with it.

Question. You say that at the hog-pen on Saturday accused said he desired to accept a perpetual parole. Did he state on what terms or conditions he would take it?

Answer. The conversation there at the hog-pen commenced by his telling me that the condition of his family was such that it was a necessity for him to remain at home; but that as to any requirement on the part of the Government from him I do not remember that anything was said.

Question. Did or did not the accused in that context say that he would be glad that you would get one for him so that he might examine it, or words to that effect?

Answer. I do not remember that he did.

Question. Was Mr. Hardin present at the conversation?

Answer. He was.

Question. In that conversation was there anything said by accused of his willingness to take the oath of allegiance to the Government of the United States?

Answer. No, sir; not that I remember.

Question. When you brought the paper to the accused next day and he asked you to read it to him you say a discussion arose as to its nature and effect. How did that discussion result?

Answer. It was entirely as I remember upon how he should treat his returned friends and relations and after my explanation he made no response.

Question. Did he read the paper himself while you were there or did he have it in his hands before you left?

Answer. He did not read it while I was there. After I had finished reading it he or myself laid it on the mantel. It was upon the mantel and I remember telling him that it might fall in the fire. He then took it off the mantel and I never saw it afterward until I received it inclosed in his letter at Sedalia.

Question. In that conversation at the hog-pen or in that the next day when you brought to him the paper was there anything said by the accused or yourself about the expiration of the ten days he had asked to think of the matter?

Answer. No; not that I remember.

Question. State to the commission the character of the accused and your means of knowing what that character is.

Answer. I have known Mr. Magoffin for four years personally and previously to that time for a number of years from character. My personal knowledge of him is that of a perfect gentleman. I have never heard directly or indirectly any personal charges made against him or intimations; and as to his friendship I believe he would have suffered martyrdom rather than have knowingly placed me in a delicate position in the matter.

Question. You have spoken of the condition of mind of the accused at the time the arrangement was made at your house with Colonel Brown and have said he was then not entirely himself. Do you know what view the accused had of that arrangement? Confine yourself in your answer to the period before he was charged with breaking his parole.

(The above question being objected to by a member of the commission the room was cleared for deliberation, and when the door was reopened the president announced the decision of the commission to be that the question should not be put.)

Question. Was or was it not distinctly agreed at your house by Colonel Brown that the accused was to have ten days to determine what he would ultimately do with the Government of the United States in the way of arrangement? If your answer be in the affirmative say whether

at any time after that within the limit of ten days did you ever hear the accused say that he abandoned or waived that right in any of the negotiations you had with him.

Answer. Yes; it was agreed. To the second question he did not.

Question. State to the commission the contents of the paper written by Colonel Brown at the house of the accused on the night of the 9th of December as accurately as you can give them.

Answer. I read that paper but once and as well as I recollect it promised Mr. Magoffin protection in person and property and imposed upon him an obligation not to give aid or comfort to the enemy and not to take up arms against the Government, and to extend until the 20th of the month. I think it was signed by General Steele, commanding officer, by Colonel Brown.

Question. How did that paper impose any obligation upon the accused?

Answer. Only by its face.

Question. This paper carried by you to the accused (the last safeguard) says: "Whereas Ebenezer Magoffin, formerly a colonel in the army of the Southern Confederacy, has given his parole of honor that he will not in any manner by word or deed aid, assist or give countenance to the enemies of the United States." Do you know whether accused had given such parole? If so where did he give it and to whom?

Answer. I do not know of his having given such parole unless by his acceptance of the safeguard be the giving of a parole.

(The above reply being objected to by the accused the commission cleared the room for deliberation, and when the door was reopened the president announced the decision of the commission to be that the reply should be recorded with the words "As I considered it" stricken out.)

Question. Do you know whether or not there existed in and around Sedalia about that time a bitter personal hostility against the accused entertained by the home guard or soldiers of the U. S. forces?

Answer. I can't say just at that time; but previous there was and I would not suppose that it had died out.

It being 3 p. m. the commission adjourned to meet on Monday, February 10, at 10 a. m.

SAINT LOUIS, MO., *February 10, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of Saturday, February 8, were being read by the judge-advocate when at the suggestion of the commission and the accused the further reading was dispensed with on the ground that the entire day's proceedings, the testimony of the witness, James R. Hughes, would during the morning be read to him and to the commission.

The examination of JAMES R. HUGHES was resumed.

By the ACCUSED:

Question. Do you know whether the accused was commissioned as a colonel in Price's army, or raised a regiment, or in any capacity acted as an officer belonging to that army? If so state what you know

Answer. I do not know that he was commissioned, but I saw him at the head of some 70 or 100 men in Pettis County and they called him major. I saw the recruits go to his house day by day for several days either in July or August of last year. It may have been earlier. I have heard some of his own men since that time call him colonel.

Question. Do you know whether the accused was at the battle of Carthage and whether he there acted as an aide to the then governor, Claiborne F. Jackson?

Answer. I do not know that he was at the battle of Carthage from any other source than from the accused who told me on his return that he was there. I do not know that he was aide to Claiborne F. Jackson.

By the JUDGE-ADVOCATE:

Question. In your reply to question No. 8 of the accused you express your assent that the main object of the interview at your house was to make an arrangement by which the accused could have privilege to see his wife, then supposed to be in extremis. Was or was it not previously understood what would be the character of the arrangement? And was or was not the meeting held merely with a view to carry out that arrangement?

(To the last question the prisoner opposes the objection that it was leading, and he submits that as the commission has already decided that the accused cannot on cross-examination ask a leading question surely the judge-advocate cannot ask his own witness a leading question. The commission being cleared for deliberation and the objection to the last question being duly weighed by the commission the door was reopened and the president announced the decision of the commission to be that the question should stand with the addition "Was or was it not previously understood," &c.)

Answer. In my interview with Mr. Hutchison and Mr. Barnes I sent word by Mr. Hutchison that I had no doubt that Mr. Magoffin could by giving his parole get to return home and see his wife; but there was nothing that passed between Mr. Magoffin and myself until the meeting at the hog-pen.

Question. In your reply to question 14 of the accused you say that the mere fact of your understanding that such would be the case—that is that the accused was not to take up arms against the Government or give information to the enemy within the ten days—that you do not remember that that matter was spoken of. During the time that you were present at that interview between Colonel Brown and the accused did you hear or did you not all the conversation, or was there any time when you were not paying attention to it?

Answer. I heard it all I think. From the interest I felt in the interview I heard it all of course.

There being no further questions to ask the witness the testimony he had given was read to him by the judge-advocate, and before retiring he requested permission to add to his answer to question 24, by the accused, the following: "Not until I received his letter" (marked C).

The witness was here dismissed.

The judge-advocate then introduced an attested extract (marked E and attached to the proceedings) from the report of General John Pope to the headquarters of the Department of the Missouri in regard to the operations of the army under his command previous to and at the time of the surrender of Colonel Robertson and his command at or near Milford, as evidence to show the date of said surrender; that the accused was one of the prisoners taken at said surrender; and that the said command was in armed opposition to the United States Government.

The accused objected to the introduction of the above-mentioned extract as evidence for the reasons he stated in a paper he presents (marked F), which is attached to these proceedings. The commission being cleared for deliberation the reasons stated by the accused were duly weighed, the door reopened and the president announced the decision of the commission to be that so far as the extract referred to the point mentioned by the judge-advocate it was evidence and should be admitted as such.

WILLIAM SATTERWHITE, a witness for the prosecution, was duly sworn.

By the JUDGE-ADVOCATE:

Question. State your name, age, occupation and residence.

Answer. William Satterwhite is my name; age 23; clerk in a grocery in Georgetown; residence is in Georgetown, Pettis County, Mo.

Question. Have you any knowledge of any disturbance that occurred in Georgetown in which a soldier or soldiers in the U. S. service were wounded or killed? And if so state all you know about it.

Answer. I remember a disturbance occurring at Georgetown—some time about the latter part of August I think it was. I went to the door from hearing some noise in the street—did not know what it was—and saw three U. S. soldiers on horseback just coming around the corner; and I looked across the street and saw Mr. Magoffin standing right beside his horse—or was walking to his horse, I am not certain; but he was near his horse. I saw him raise his gun to his face and heard the report, and saw it pointed in the direction of the soldiers at the place the soldiers had got to at that time. I then turned and went in the house and just as I got in the house—or a second or two after I got in the house—I heard the report of another gun when I came back to the door, but I don't know how long I was in the house. I saw a man in the act of falling off his horse; a negro was helping him off his horse. He keeled over to one side before the negro touched him. I went over then as soon as I shut my door, and went across the street. It was somewhere near fifty yards from my door to the spot where the man was taken off his horse. When I got there he had been taken in the wagon-maker's shop and I did not get to see him. I then went from there up the street to old man Jackson's and there I found the doctor working with another man who was wounded—his name was Wheat who was wounded—and after leaving there I went home and got a pitcher of ice-water and took it back to him, and then from there I came down to the house where this man was taken off his horse and they told me there he was dead. I did not get into the house or get to see him at all. I do not remember anything else that I did or saw, as by that time the whole streets were crowded with men on horseback—some our own citizens, some U. S. soldiers and some home guards. Do not know whether the men who were wounded were the men who came around the corner. The man who died there or whom I saw falling off his horse was dressed in uniform as other soldiers. The man who was wounded had his clothes off or down, and the doctor was working with him. The man was wounded in the back. There was such a crowd and I was in such a hurry that I could not tell exactly. I did not see the wound at that time, and indeed I don't know that I ever did see it although I sat up with him several nights. I was so sick when the wound was dressed I had to leave the house; or if I staid in the house I did not look at the wound. The man lived and was there over two weeks perhaps three weeks, and might have been longer, and left Georgetown. It was about two weeks it was necessary to sit up with him at night, when he got well enough to walk about the room before he left. The man wore soldier's clothes when he got well enough to walk about.

Question. Had you known the accused and had you seen him often?

Answer. I had known him at that time some eighteen months and had seen him two or three times a month.

Question. How far were you off from the accused when you saw him with his gun in hand?

Answer. I suppose I was about thirty or thirty-five yards.

Question. State in what direction were the three soldiers coming when you saw the accused point his gun at them.

Answer. They were coming sort of toward him. They were coming from an eastern direction and he was on the south side of the street.

Question. Were the soldiers in the public street and at what rate were they moving?

Answer. They were in the main street and in a pretty fast lope.

Question. Was the accused in front of them when he fired or on the side of the street?

Answer. He was on the side of the street and not directly in front of them.

Question. How far off the main street was the accused standing?

Answer. Somewhere from ten to twenty feet as well as I recollect.

Question. If the soldiers had continued their ride up the main street would the accused have been in the way?

Answer. No, sir; he would not have been in their way at all.

Question. Was the accused standing alone?

Answer. I do not remember seeing any person else by him.

Question. Were there any citizens or other persons about the street in the immediate vicinity of where the accused stood when he fired?

Answer. There were a good many citizens—about fifteen—standing around the store and in front of the street when I came to the door. I do not know how many or whether there were any opposite the street where the accused was.

Question. Did you hear any report of fire-arms before the first one heard by you as mentioned in your statement?

Answer. No, sir; I did not.

Question. How was the accused dressed?

Answer. He was dressed in common citizens' clothes; had on no soldiers' clothes; nothing particular about his dress; no badges or rosettes; I did not see any.

Question. When you saw the accused raise his gun and point it at the soldiers did you see any smoke or the flash?

Answer. I can't say whether I saw any smoke or not. I just heard the report and supposed it was no other gun but his.

Question. Are you quite certain that the report came from the gun in the hands of the accused?

Answer. Well, I can't say that I know it did but I can't say where else it came from.

Question. Was the accused standing openly on the side of the street or was any attempt at concealment made?

Answer. He was standing openly in the street; no attempt at concealment.

Question. Before the time of the shooting were there any rebel soldiers in the street or town or armed bodies about?

Answer. I did not see any armed bodies about but there were some eight or ten men in our store wanting to get some buckshot. They were dressed in citizens' clothes and could not tell what they were.

Question. Did you see the accused at any time that day before you saw him with his gun pointed?

Answer. I do not think I did.

Question. At about what time of the day did the occurrence alluded to take place?

Answer. It was in the afternoon; can't recollect exactly; but could not have been long after 12 o'clock.

Question. What became of the body of the man whom you saw helped from his horse by the negro?

Answer. I never saw the man after he was taken off his horse by the negro. I was taken away an hour or two afterward to Sedalia.

Question. Describe the gun the accused had in his hand if in your power.

Answer. I can't do it. I just saw it was a gun; looked like a common-sized gun not a musket; can't say whether it was a shot-gun or a rifle; whether it was a single-barrel or double-barrel gun.

By the ACCUSED:

Question. What sort of a grocery was that and in what capacity were you acting there?

Answer. We had at that time tobacco, whisky, cigars and some little hardware. I was clerk there.

Question. Will you describe the relative positions of the accused and the three soldiers on horseback when you first saw them?

(He makes a diagram to show the positions of the parties. Marked G and attached to these proceedings.)

The hour of 3 p. m. having arrived adjourned until to-morrow, February 11, 1862, at 10 a. m.

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SAINT LOUIS, MO., *February 11, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of yesterday were being read to the commission by the judge-advocate when at the suggestion of the commission and the accused the further reading was dispensed with on the ground that the testimony would be read to the witness some time during the morning.

The examination of the witness, WILLIAM SATTERWHITE, was resumed.

By the ACCUSED:

Question. Were the three soldiers on horseback armed? If so state how armed.

Answer. I do not remember whether they had sabers or not. I did not notice particularly what they had.

Question. State whether or not the three mounted soldiers were followed by other mounted soldiers. If so state how many.

Answer. I did not see any at that time.

Question. At the time of the first fire observed by you had the mounted soldiers passed your door?

Answer. No, sir; they had not.

Question. When you saw the gun raised state whether you did or did not immediately go back into the grocery from the fright?

Answer. I did not go into the grocery until I heard the report. I then went into the grocery to get out of the way for fear they should shoot me.

Question. State whether or not before accused raised his gun some person or persons in the crowd did not cry out to accused that the cavalry or soldiers were after him?

Answer. I did not hear it if they did.

Question. Can you give us no idea of the character of the noise or disturbance which caused you to go to the door?

Answer. I cannot, sir. I don't know what caused me to go to the door.

Question. You say the street was at a certain time filled with soldiers and citizens. State whether the soldiers were on horseback; and were they armed?

Answer. Yes, sir; they were; and were on horseback, and had sabers I know, and pistols I think.

Question. Did you see any soldier fall or reel in his saddle at the first fire?

Answer. No; I did not at the first fire.

Question. Do you know who fired the second time?

Answer. I do not.

Question. When you went to the door after hearing a second report of fire-arms did or did you not see a considerable number of soldiers on horseback galloping up the street?

Answer. I don't know whether I saw any at that time or not—the second time I went to the door.

Question. Where did the mounted soldiers you saw in numbers come from—up the street, down the street or from across the street or elsewhere?

Answer. I don't know where they came from; they were all up around me before I knew where they came from.

Question. State whether or not the town of Georgetown was surrounded that day before the time of the shooting of which you have spoken by a large cavalry force of the United States for the purpose of capturing the accused?

Answer. If it was I did not know anything about it.

Question. Did you or did you not hear more than two reports of fire-arms during the disturbance?

Answer. I do not remember of hearing more than two.

Question. Do you know whether in point of fact the accused was taken prisoner at that time in Georgetown by the forces of the United States?

Answer. I saw him on horseback after that on the same day going with the troops to Sedalia.

Question. How long was this after the occurrence you have related?

Answer. I do not remember how long it was; it was not a great while; it was not sundown; it was in the afternoon some time.

Question. How far is Kidd's hotel from your grocery and is it in sight of your grocery?

Answer. It is in sight of our grocery, and is something over 100 yards from grocery on the south side of the street.

Question. Did you not see a crowd of soldiers around that hotel shortly after the firing?

Answer. I did.

Question. How soon after the events you have related was it that you were taken, and where were you kept till carried off for Sedalia, and by whom were you taken?

Answer. I don't know exactly how long it was; it might have been half an hour or it might have been an hour. Was kept on a horse. Soldiers came to the grocery and took me and carried me in back of Kidd's Hotel by the alley east of the hotel.

Question. What were you taken for?

Answer. Taken for a witness I suppose. I don't know what I was taken for.

Question. Could you see what was going on at the hotel from the place they kept you at? If not were you in hearing distance?

Answer. No, sir; after they took me there they immediately took me out on another street where I could not see the hotel. I was at hearing distance at a still time but owing to the noise in the street I could not hear anything at that distance.

Question. Did you or did you not know that the accused was then in the hotel and that it was surrounded by the U. S. forces for his capture?

Answer. I did not know where he was. I did not know that the soldiers were there for that purpose but supposed so, as heard some one say they were hunting for the man who shot at the soldier.

Question. State if you know whether or not the accused with a portion of his force was at that time engaged in getting up clothing and provisions in the neighborhood of Georgetown for Price's army.

Answer. I don't know anything about it if he was.

Question. The men who asked for buckshot at your grocery that day before the disturbance, were they or were they not some of the men of the accused?

Answer. I don't know whose men they were.

Question. Did you know them?

Answer. I did not.

Question. Did they get the buckshot; and if not why?

Answer. No, sir; I don't think we had any in the house at that time.

Question. How many soldiers do you suppose you saw that day in Georgetown?

Answer. I suppose there were over fifty; there might have been a hundred; I don't know. I have not much idea of crowds especially at such times.

Question. Before that day were there any U. S. cavalry stationed at Georgetown?

Answer. No, sir; I think not.

Question. Had you or not seen the accused in or about Georgetown for some time previous to that day? State how long.

Answer. I do not know how long it was before that day I had seen him. He might have been there without my seeing him.

Question. When and where were you released after you were taken into custody, and were you at any time informed why you were taken?

Answer. They took me to Sedalia and kept me there that night, and I went with them the next day on the road from Sedalia to Lexington and encamped with them that night and then the next morning they released me and I returned home. They told me they wanted me for a witness.

Question. Where was the accused then and what became of him?

Answer. I don't know where he was; I did not see him.

Question. Were there any threats uttered against you after your arrest and before your release in relation to your testimony? If so state what they were and by whom made.

Answer. If there were any threats against me I never heard them.

Question. Have you not stated that threats were made by those who held you in custody as to your giving evidence?

Answer. No, sir; I have not.

Question. At any time since your release have or have not some of the home guard made threats to you concerning the giving of your testimony?

Answer. I do not remember any threats being made against me or anything about it.

Question. Can you state whether any of the home guard about Georgetown have threatened the life of the accused?

Answer. I can't say whether I ever heard any of them threaten his life. I have heard them talk about him a good deal, but whether they ever threatened his life or not I don't know. I don't remember what they did say.

There being no further questions to ask the witness, the testimony he had given was read to him by the judge-advocate, and after the reading was finished the witness requested that his testimony might be explained and corrected in the following particulars:

In his reply to question 21 by the accused he wishes to add:

I did not know at that time that I was wanted for a witness but was told so afterward.

In his reply to question 17 of the judge-advocate he wishes to add:

That the men who were in there I supposed to be Magoffin's soldiers but I did not know whether they were or not; they did not say that they were.

The witness was then dismissed.

JAMES R. HUGHES, a witness for the prosecution, was recalled.

Question. Do you or do you not know anything in regard to a disturbance that occurred at Georgetown, Pettis County, Mo., in which a soldier or soldiers of the United States was or were killed?

Answer. I was not in Georgetown that day but at Sedalia. I saw Mr. Magoffin when he was brought in by some of Colonel Marshall's men. I know nothing of the killing.

Question. Had you or had you not any conversation on or about that time with the accused on the subject of the death of one or more soldiers in the U. S. service who were reported to have been killed in Georgetown about that time?

Answer. Yes, sir; I had. Well, sir, Mr. Magoffin being a friend and neighbor of mine as soon as I heard he was arrested I sought from Colonel Marshall a permit to visit Colonel Magoffin, giving as my reasons I wished to take home any message or have arranged any business he might desire. He gave me the permission and accompanied me in person. Mr. Magoffin in that interview told me of the shooting at Georgetown; how he came there; what he came for and then the difficulty that arose afterward; and told me that if he had not believed that they were home guards he would not have surrendered himself. I had another interview at Lexington to the same effect, and our interviews were always in the presence of officers and our conversation was restrained.

Question. What did he say about the shooting?

Answer. I don't know that he said anything he taking it for granted I knew of it and that he would not have shot the two several times on that occasion if he had not supposed they were home guards. He certainly said he shot twice—either at that interview or some subsequent interview.

Question. Did the accused tell you that he shot twice at that interview or some subsequent one?

Answer. I could not say which.

Question. Did the accused say anything at either interview about the effect of his shot?

Answer. Not that I remember.

Question. Will you state the date of the two interviews?

Answer. Somewhere about the latter part of August, if the surrender of Lexington was on the 19th of September.

By the ACCUSED:

Question. What did the accused say he went to Georgetown for that day?

Answer. He went after a pair of shoes or boots and tobacco.

Question. Did he say whether the boots and tobacco were for himself or for his men?

Answer. If I remember right it was for a pair of boots or shoes for Charlie Hardin, his son-in-law.

Question. In the interview or interviews of which you have spoken state whether the accused did or did not say that he shot because he believed his own life was in danger.

Answer. Yes, sir; every time the matter was spoken of he would make that declaration.

Question. Did or did not the accused speak of the violence of the home guard toward him and do you not know that they had threatened his life?

Answer. Yes, sir; he did; and without being able to specify any particular person I know his life was threatened by them.

Question. State if you know whether a U. S. cavalry force was dispatched that morning to Georgetown to surprise and capture the accused and his men.

Answer. I know that there was a detachment of U. S. cavalry to go to Georgetown but do not know to capture whom.

Question. Do you know of Captain Montgomery, of the home guard, going to the house of the accused with a party of armed men? If so state what you know of it.

Answer. I know of Captain Montgomery's men headed by Captain Cook going to Mr. Magoffin's house in search of Mr. Magoffin. This was at least two or three weeks before the transaction at Georgetown. They were what are called home guards, and were armed all of them. There were somewhere between 300 and 500 in number, and Lieutenant-Colonel Grover was with them, who was also of the home guards as I understood it at the time. They examined the house, kitchen, pantries and smoke-house and negro cabins. I was there and just looked on.

Question. Did you hear any firing or know of any depredations committed?

Answer. I heard no firing that I remember, and saw no depredations.

Question. Did you or did you not hear Captain Cook, the commander of the expedition, say anything about depredations there committed by his men? If so state what.

Answer. I heard him state that he had gone to Mr. Magoffin's smoke-house and found it almost empty, and he had examined the premises generally and was astonished to find that Mr. Magoffin was so poor a man, and that he (Cook) did not take any meat but that he had publicly and officially declared the entire property of the accused confiscated. That was all the damages I know. He gave as his reasons for not taking bread and meat there that there was not more than enough left for his family.

Question. Did Captain Cook state the object of the expedition to the house of the accused and the design in going in so large a force? If so state.

Answer. He told me it was for the purpose of arresting Mr. Magoffin and his company. He told me this the day before.

Question. Did the accused at either of the interviews speak of his capture and of terms and conditions of his surrender at Kidd's Hotel? If so state what he said.

Answer. I cannot state whether it was Mr. Magoffin or who told me that he had delivered himself up as a prisoner of war. Mr. Magoffin may have told me so or it may have been some of the others.

Question. Do you know who commanded the detachment of cavalry sent to Georgetown the day of the shooting?

Answer. I understood it was Lieutenant-Colonel Day.

Question. Did the accused in either of the interviews you have referred to say why his course would have been different at Georgetown if he had known the force to have been U. S. soldiers?

Answer. Yes, sir; that with U. S. soldiers he would have felt himself safe. I told him at Lexington that one of the men that was wounded would recover and he seemed immensely delighted.

Question. State if you know whether at and before the transaction at Georgetown the accused was or not engaged with his company in procuring supplies and clothing for the army of Price?

Answer. I know that he was recruiting men but whether he was getting arms or supplies I do not know.

By the COMMISSION:

Question. Did any of the home guard in that vicinity or county wear the uniform of soldiers at the time of that transaction?

Answer. I cannot tell whether it was before or after; afterward they were in uniform but my impression is that they were not in uniform; they had tents and arms but I think ununiformed. I am satisfied they were not in uniform.

Question. Were the troops you met in Sedalia all in uniform?

Answer. Yes, sir; except a portion of the home guard. Marshall's cavalry were in uniform, and Grover's company who were with them were not in uniform.

By the ACCUSED:

Question. Do you know whether the accused had been for two months in camp on Blackwater, and whether he had been for some time before the affair at Georgetown away from that part of the country—that is away from Georgetown?

Answer. I know of no encampment on Blackwater. I know of an encampment at Heath Creek on his place. I think he was away; my memory serves me that. I know he was away. I learned he was in Cooper County.

Question. Do you know whether the accused had an opportunity of knowing about the time of the Georgetown affair and about ten days before it whether the home guard were uniformed or not?

Answer. I do not know, sir.

There being no further questions to propose to the witness the testimony he had given was read over to him by the judge-advocate and he was dismissed.

The hour of 3 o'clock having arrived the commission adjourned until to-morrow morning, Wednesday, February 12, 1862, at 10 o'clock.

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SAINT LOUIS, MO., *February 12, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of yesterday, Tuesday, were being read to the commission by the judge-advocate when at the suggestion of the commission and the accused the further reading was dispensed with for the reason that the entire day's proceedings, being the testimony of William Satterwhite and James R. Hughes, were read over yesterday to the witness by the judge-advocate.

JOSEPH SIMPSON, a witness for the prosecution, was duly sworn.

By the JUDGE-ADVOCATE:

Question. State your name, occupation and where you reside.

Answer. Joseph Simpson; was a merchant; and reside at Buncombe, Pettis County, Mo.

Question. Have you or have you not any knowledge of a disturbance that occurred at Georgetown, Pettis County, in which a soldier or soldiers in the service of the United States were killed? and if so state what you know about it.

Answer. Yes, sir. Well, I was in there (Georgetown) when it occurred. I seen it. Well, I saw him shoot a man and he died instantly afterward. That is all I know or believe.

Question. Are you acquainted with the accused, Ebenezer Magoffin; and if so have you seen him often before?

Answer. No, sir; I saw him when it occurred. I don't know him. Had not seen him often before. I saw him when this 'ere act was at Georgetown.

Question. Had you ever seen the accused before "this 'ere act was at Georgetown"?

Answer. I don't know as ever I did so.

Question. Who was the person whom you saw shoot a man at Georgetown?

Answer. It was Magoffin.

Question. Where were you when you saw the shooting done?

Answer. I was in McClure's I believe; well, as I was out at the door.

Question. How far were you off at that time?

Answer. Well, I suppose I was about forty steps off. It was all up there at the drug store that it all occurred.

Question. Did you see the accused have a gun in his hand and did you see him fire it?

Answer. Yes, sir; I did.

Question. Describe all that you saw at the time of the firing.

Answer. Well, I don't know anything else but what is down; well, I saw him shoot.

Question. In what direction and at whom was the gun fired?

Answer. It was right toward the drug store. He was shot—well, it was about fifteen steps off there—well, six or eight; I don't recollect.

Question. How was the man dressed whom you saw the accused shoot?

Answer. Well, he looked like he was an officer. I don't know him; he was a United States man anyhow.

Question. How was the accused dressed?

Answer. Well, he had on a broad hat—a wool hat I believe—and an old shot-gun; I don't know whether it was old or not, it looked old. His clothes were on the ordinary order you know; just as if he was at home you know; I don't know but what he was. He was on the plain order.

Question. Did you hear the report of the gun?

Answer. Yes, sir.

Question. Did you hear any additional report or reports of guns?

Answer. No, sir; only but one as I have any idea.

Question. Did you see the gun pointed in the direction of anyone? and if so state at whom.

Answer. Yes, sir; this 'ere man. I don't know any of them, only when I see 'em out you know; that is all I know.

Question. Did you see the accused and recognize him as the man who shot after the shooting on that day?

Answer. Yes, sir; I saw him afterward and he was the same man who shot.

Question. Did you see the man who was shot fall, and was he on foot or on horseback?

Answer. Yes, sir; he was on his horse when he was shot; he was right opposite the drug store. Yes, I did see him fall from his horse.

Question. Do you know the name of that man?

Answer. No, sir.

Question. Did you see him after he was shot? and if so say what you saw.

Answer. I saw him when he was dying.

Question. Did you see him after his death?

Answer. Yes, sir.

Question. State the date when this transaction occurred?

Answer. I don't know that; it was some time in the fall but I don't know the day.

Question. Describe the dress of the man who was shot?

Answer. He was very something on the order of the man there (pointing to an officer present and a member of the commission). Well, he was dressed in uniform you know.

By the ACCUSED:

Question. You say you are a merchant; what kind of a merchant? Have you ever been engaged in any other kind of business? If aye what business?

Answer. I opened a dry goods store in old Kentucky; well, I did not open any out here. Not been engaged in any other business; just been at home all the time.

Question. What is your present business?

Answer. Well, I own a small farm is all.

Question. How long have you lived in Buncombe, and where did you live before your residence there?

Answer. Well, I have been about two months there. In old Kentucky I lived before my residence there. I lived or was staying at old Jackson Quisenberry's, in Pettis County. I am a man of family.

Question. Where is McClure's—on what street? Main or cross street?

Answer. Well, I don't know; it is on Main street I believe. If I was going west McClure is on the right-hand side. The drug store is on the cross street.

Question. Had you been inside of McClure's? If so what caused you to come out and what was the first thing that attracted your attention?

Answer. Yes, I had been in. Well, I saw this army in—all the U. S. Army—and was out because I wanted to look at them.

Question. Did the army come in before you came out at the door?

Answer. No, sir; after I was out they were in. Just as I came out the army came in. Saw them when I came out.

Question. Was the army on horseback or on foot? Was the army moving fast or slow?

Answer. They were ahorseback; they looked like they was moving on, galloping.

Question. Were they armed or unarmed?

Answer. Yes, sir; they were armed. I don't know but what they had swords; whether they had muskets I don't know. They had swords.

Question. Did the army all come in by the same road or street or by several streets? Was the town surrounded by the army?

Answer. They came in on all sides. The town was surrounded by the army—I don't know but what it was.

Question. How many of the army were there when you saw the gun fired?

Answer. Well, I don't know; there was a good many of them in there.

Question. Were any persons near the man who was shot at the time of the shooting? If any how many and who were they?

Answer. I don't know any of them. There were others looking on. I don't know how many there were of them. The soldiers were all round there everywhere at the time he was shot.

Question. At the time the gun fired were the backs of the soldiers to you or their faces?

Answer. I was on the side of them.

Question. Were the soldiers at the time of the fire in Main street or in the street on which the drug store stands?

Answer. Well, they were all over it; every which way.

Question. Were the soldiers galloping toward the accused at the time the man was shot?

Answer. No, sir; the soldiers passed on, you know; and as they passed on he shot. Not all had passed on.

Question. When the gun was fired did the man fall from his horse?

Answer. Yes, sir.

Question. Did he fall in Main street or in the street on which the drug store stands?

Answer. He fell off in about six or eight steps from the drug store on the street where the drug store stands in the direction of Main street, or nearer Main street than immediately in front of the drug store.

Question. When the gun fired was the side, face or back of the man who shot toward you?

Answer. His face was toward the drug store. The gun was pointed in the direction of the drug store.

Question. How far was the accused at the time he shot from the drug store?

Answer. He was about fifteen or eighteen steps off, east of the drug store.

Question. Was the horse of the accused hitched; and if so to what fence?

Answer. I think he was astanding and holding of his horse, about six or eight steps from the fence of the court-house square.

Question. At the time of the shooting was any person near the accused? If any how many?

Answer. Well, I don't know; they were standing off about fifteen steps, or over it; don't know how many there was. Well, there was maybe 200 of them for what I know. There was a crowd of soldiers.

Question. Did you see the wound? If so in what part of the man was it?

Answer. Yes, I looked at him. He had a wound on the arm, left arm, and in the neck. I saw some holes in his arm; could not tell whether shot or bullets; saw some two or three in the arm and one by the ear.

Question. Did you hear more than one report of arms about the time of the shooting?

Answer. No, sir; that was all I heard.

Question. Before the fire did you hear any person or persons cry out to the accused that the soldiers were upon him or words to that effect?

Answer. No, sir.

Question. Had you been drinking that day?

Answer. No; I reckon I had a horn in me; one was all that I had any idea of.

Question. You say you saw the accused after the fire; where was he when you saw him?

Answer. Well, the army searched and found him. I do not know but that it was in Kidd's Inn. I did not see him until after the army got him in Kidd's Inn.

Question. If you know anything about the surrender of the accused that day at Kidd's Hotel state all you know about it.

Answer. I don't know anything of it. I saw the army go up after him was all.

Question. You said that you did not know Magoffin before the shooting. Did not some one tell you that Magoffin was the man who shot and was not that your only knowledge that it was Magoffin who shot?

Answer. No; I saw him. I did not know it was the accused until some one told me so; only I think he is the one. I saw him on the same evening afterward.

Question. Did you or not hear the home guard about Georgetown on that day or at any other time make threats against the life of the accused?

Answer. I heard the U. S. Army make threats against him—that was when it was all over though.

Question. Was the gun you saw fired a rifle or shotgun, single or double-barreled?

Answer. Shotgun, double-barreled.

Question. Had the army passed the grocery where you stood when you came out?

Answer. They came in every which way.

Question. Do you know Satterwhite who keeps the grocery? Did you see him at the door at the time of the fire?

Answer. Yes, sir; I did see him at the door at the time of the fire.

Question. Are you certain that the accused fired but once?

Answer. That's all, sir, that I have any idea of; all that I seen.

Question. Were you looking at the person who shot the soldier before the shot?

Answer. I looked at him when he shot; don't know that I looked at him before. I was just alooking about; saw him raise the gun up before he fired. He was down aholding of his horse.

Question. If the accused had fired twice is there any reason that you know of that would have prevented you from hearing it?

Answer. No, sir; I don't know any reason.

Question. You say you heard no other report of firearms that day. Did you see any other firearms around there that day? If so state what and who had them.

Answer. The U. S. Army was in. I saw firearms, pistols and swords I believe in the hands of the U. S. soldiers. I reckon there were some six or eight who were not U. S. soldiers who had these old shotguns.

Question. Did the galloping of the army make much noise?

Answer. I don't know, sir. They did not make much noise.

Question. Were there many persons in and about the grocery at the time of firing and were they drinking and noisy?

Answer. No, sir; only but few there and not drinking or noisy.

Question. When you were at McClure's did you see some men buy buckshot from Satterwhite?

Answer. No, sir; not that I had any idea of; not that I recollect of anybody calling for buckshot.

Question. You say you were summoned as a witness. Were you called upon at Georgetown to look at the accused while he was a prisoner to see whether you could identify him as the man who shot?

Answer. Well, I don't know as they called me to look at him, but I was summoned as a witness that I seen it you know—well, all this transaction.

Question. Summoned by whom to testify where—before what court or tribunal?

Answer. By U. S. Army. I believe it was Colonel Marshall. It was the Illinois. I was discharged without examination.

Question. Were the home guard about Georgetown or any of them dressed in uniform at that time?

Answer. I do not know, sir.

Question. Do you know the difference between the home guard and the soldiers of the United States?

Answer. No, sir; I don't know. Well, they all wear about the one dress I believe.

Question. What was the color of the horse which the man held when he shot?

Answer. I don't recollect the color of his horse.

Question. Did you see anyone help the man who was shot from his horse?

Answer. Well, I don't know; there was a whole crowd around him; saw him fall off and seed him die. The horse on which the man was was going on at the time of the fire.

There being no further questions to propose to the witness the testimony he had given was read to him by the judge-advocate and he was dismissed.

The commission adjourned to meet to-morrow, Thursday, February 13, 1862, at 10 a. m.

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SAINT LOUIS, MO., *February 13, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The judge-advocate having informed the commission that an important witness on the part of the United States was absent but would certainly arrive to-day the commission, in order that the prosecution might not be closed before the examination of said witness, adjourned until to-morrow, February 14, 1862, at 10 a. m.

—

SAINT LOUIS, MO., *February 14, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of the 12th and 13th were read to the commission by the judge-advocate.

Lieut. Col. H. M. DAY, a witness for the prosecution, was duly sworn.

By the JUDGE-ADVOCATE:

Question. State your name and rank.

Answer. Lieut. Col. H. M. Day, First Illinois Cavalry.

Question. Have you any knowledge of a disturbance that occurred at Georgetown, Pettis County, in which a soldier or soldiers of the U. S. volunteer forces and in the service of the United States Government were killed? If so state what you know.

Answer. I have, sir. By order of General Grant, commanding at Jefferson City, our regiment, commanded by Colonel Marshall, in connection with about 400 home guard, commanded by Colonel Grover, left Jefferson City on or about the 24th day of August, 1861, by order of General Grant; and having a list of what was supposed to be the principal rebels or secessionists on our line of march to Lexington I was in the habit of going ahead of the main body with an average of from 200 to 400 men for the purpose of surrounding and picketing the towns as we approached them. My reason for surrounding and picketing the towns and going in advance was to make arrests of the principal secessionists to be found in the town. We wanted to arrest them and hold them as hostages for the good behavior of the citizens of the place; also understanding there were no mails in that section of the country we were endeavoring to suppress any communication that might go in advance of us if possible. I left the main body of the command one morning about the 28th or 29th of August, 1861, with Company C, First Regiment Illinois Cavalry, composed of

about 95 men and about 125 home guards. When I arrived in about a half or three-quarters of a mile from Georgetown I divided a portion of my command with orders to surround and picket the town. I then proceeded on the main road, entering Georgetown with eight privates and one non-commissioned officer of the Illinois Cavalry and about sixty home guard. When we arrived within about half a mile of the court-house at Georgetown my orderly (his name was Glasgow) says to me, looking up the hill, "Colonel, there are some soldiers," seeing what we supposed to be bayonets. I told him that I thought they must be Union troops. As we drew near I discovered that they were not. I supposed that they were not Union and was so convinced by their turning and running. They commenced running and we commenced running after them. Our horses being swifter than theirs we gained on them rapidly. As we ascended the hill going into town I was fully convinced that they were not Union troops or home guard from the fact that one of their number turned and tried to fire, but his gun did not go off. As we chased them along into town they ran through the town, while we were in full charge our horses being on the run. We were almost directly opposite the court-house, Georgetown; we were between the court-house and what I recollect was a frame two-story building to the best of my recollection occupied as a store below; the second story was approached by a stairs on the outside in the street next to the corner, which I think was used for offices, but not positive. Up to that time I had not heard the report of any gun. Just before we were turning that corner or at that building very near there—I am not positive as to the exact position—on the street that goes past Kidd's Hotel, I heard the report of what appeared to me to be two guns, fired successively one after the other. At that instant I saw Orderly Glasgow, non-commissioned officer Illinois cavalry, reel in his saddle, jumped up like and reeled over to one side; did not go out of it. I checked my horse a trifle and ordered the nearest soldier to me to look after Glasgow as he was wounded, and that I would return directly. After I turned the corner there was a private by the name of Wheat who while my horse was slacking a little came riding past me and exclaimed: "Colonel, I am shot." I made no reply. After I rode about ten rods several shots were exchanged. I fired two balls from my revolver at those men who were running. At that time I was not positive where the firing came from. Up to the time when I commenced there had been no firing except the two reports I have mentioned. The men who were mounted and whom we were chasing amounted to some fifteen or twenty men, perhaps more or less armed to the best of my knowledge with double-barreled shotguns. I am strongly of the impression that I saw two or three muskets with bayonets. When I got through to the other side of the town, the west side, I found that the home guard had all deserted me. I had five of my own men left with me that I took with me. I halted then. There was one or two men come running to me, their names I do not know, and told me that firing was from the side of the street. At that moment I heard some firing that appeared to be north of the center of the town, which I was afterward informed by Captain Mitchell, Company C of our regiment, was aimed at him and at the men under his command with him that remained over after picketing the town. While I was conversing with these two men (citizens) Captain Mitchell reported to me that he had picketed the town. Acting upon information that I received there I ordered Captain Mitchell to draw in the pickets, surround the center of the town where from the information I got I supposed the firing was. After that had been done one of the home guard, whose name I knew quite well at that time but have forgotten it now, came to me leading a horse, saying, "That horse belonged to Magoffin." That was the first information that I had had that he was in the immediate vicinity. From information derived from the citizens I was led to suppose that the two first guns that were fired when I was up by the court-house were fired by Magoffin. I afterward ascertained that he was probably in Captain Kidd's Hotel. I detailed a squad of men to search the building. They soon afterward returned from searching with a man said to be Magoffin, the accused. They reported to me that they had found him secreted in the garret of the hotel. When they brought him to me I was in the rear of the house—Kidd's Hotel—in the alley. The first I asked him "was his name Magoffin," and then demanded his arms if he had any. He either went and got a shotgun and one of Colt's revolvers, or gave information where they were so that one of my men got them—I am not positive which. I then asked him if he was a commissioned or non-commissioned officer in the Missouri State Guard, or any connection with the so-called Southern Confederacy as an officer or private. He disclaimed any connection with either the Missouri State Guard or Southern Confederacy whatever. I then told him if that was the case that he was guilty of assassinating U. S. troops while in discharge of their duty. I then pinioned his arms; tied his hands behind him with a rope. During this time while they were getting the gun and pistol myself and officers protected him from the fury and rage of the home guard and some of my men who were determined to kill him. I then directed one of my officers to put him in charge of the guard on his own horse, or horse that I supposed to be his, and took up the

march for Sedalia where the main body of the command was. I delivered him to the officer of the guard there at Sedalia by the order of Colonel Marshall, my commanding officer.

Question. Have you stated all the conversation at the interview you speak of, or was there any other interview between yourself and the accused?

Answer. To the best of my recollection I have. There was some other conversation; it did not amount to anything. I gave him a little lecture; that's about all. There was another interview between myself and the accused soon after he was put in the guard-house at Sedalia. I asked the officer of the guard if he had searched Magoffin to see if he had any weapons concealed about him. His reply was he had not supposing I had done it before I left Georgetown. I then went in the guard-house and searched him myself. I asked him why he shot at us while we were running through the town not molesting him or any peaceable citizen. His reply was that he "was afraid that if he did not shoot us we would him." We had some other conversation but nothing of importance that evening. I made some hard threats against him; talked very severe to him. The next morning after he had received a visit from his wife and daughter he admitted to me that he shot at me, or what he supposed to be the commander of the forces coming into town, but at the same time carried the idea that he was forced to do it to protect himself. He gave that as a reason for shooting. That was all the conversation that I recollect of having with him until after our arrival at Lexington.

Question. Do you recollect the christian name of Glasgow?

Answer. I do not recollect his christian name. I know that there was but one man of that name in Company C (Captain Mitchell).

Question. How was the accused dressed when you first saw him at Georgetown?

Answer. Well, sir, I could not see anything marked about his dress; he had no uniform on. I am positive that he had no uniform on or military badge; nothing to distinguish him from a citizen.

Question. Were the home guard in uniform or not?

Answer. Well, sir, they were not generally. Some had on caps and gray shirts that they got of our regiment—some of them from Johnson and some from Pettis County; I was so informed.

Question. Were the home guard of Georgetown or in that vicinity dressed in uniform or not at the time or previous to the occurrence at Georgetown?

Answer. The only home guard that I am personally acquainted with living nearer Georgetown than Sedalia had no uniform to distinguish them from a citizen. Captain Parker, of Sedalia, had a command of thirty or forty men who were mostly provided with caps or shirts or something to distinguish them from a citizen; but they were not with me at that time.

Question. How were the soldiers who accompanied you when you first passed through the town (Georgetown) dressed?

Answer. The soldiers were dressed with blue military caps such as were worn by U. S. troops at that time; gray shirts; some of them might have been red; high-topped or long-legged cavalry boots; sabers and belts; strap running over the shoulder and canteen slung over the shoulder; riding all of our men on Grimsley's military saddles—brass trimmed and holsters.

Question. Were the soldiers of the U. S. easily and readily distinguished from the home guard by their dress?

Answer. They were, sir.

Question. Did or did not the accused admit to you at either of the interviews to which you allude that he killed the man Glasgow?

Answer. He did. He admitted that he did.

By the ACCUSED:

Question. You spoke of a search of the person of the accused by you at Sedalia after you had delivered him over by order of your commanding officer; what was the result of the search—did you find anything?

Answer. I found on his person an old knife—I think all the blades were broken out; a pocketbook containing some memorandums, a $5 note and 25 cents in silver; nothing else that I recollect of.

Question. Have you ever returned to the accused his pocketbook and contents?

Answer. I have not. I reported the amount to my commanding officer, Colonel Marshall—the amount I had taken, the pocketbook and its contents; showed him the knife. He told me to retain them. Afterward while on the march to Lexington he ordered me to pay $4 of that amount to a man whose name I forget whom he was about to send as a bearer of dispatches to General Grant or the commanding officer at Jefferson City. The balance I have in my hands now. The pocketbook and so on was lost with my baggage at Lexington.

Question. Are you not vindictively hostile in your feelings to the accused and have you not proclaimed to others and to him that you would "swear like hell against him," or words to that effect?

Answer. I am particularly hostile toward him in my feelings. I don't think I ever made use of that expression to him. I made use of very severe language to him at Sedalia. I don't think that I ever used that expression. Recently and since I saw him at Sedalia and Lexington my feelings toward him have been different; not as bitter. Up to that time I had a spirit of personal revenge which since I have ceased to feel. The personal revenge grew out of this fact that from what I heard from him and others I supposed the shot that killed Glasgow was aimed at me; that I thought it a cowardly and assassin-like manner of treating me and so on. I made up my mind that everything was fair in war. Perhaps time has made a change and his deportment while with us before and after the surrender of Lexington continued to make that change of feeling; have not that vindictive feeling toward him that I had before.

Question. Were you a prisoner at Lexington? If so when the relation of yourself and accused were changed what was his treatment of you, and has that conduct had any effect upon your hostility to accused?

Answer. I was a prisoner at Lexington. His treatment of me was kind and had a tendency to soften my feelings of vindictiveness and revenge toward him.

Question. Have you not since the accused has been a prisoner here in this city in the McDowell College Prison uttered the words "I will swear like hell against you," in the presence of the accused and Provost-Marshal Farrar?

Answer. I do not know that I ever had any conversation with the accused in the presence of the Provost-Marshal Farrar. I had, however, a conversation with the accused in McDowell's College. While there in conversation with him and his associates I gave the accused and his associates some cigars. While in conversation with the accused in as I supposed a friendly manner, the question of charges being preferred against him, I in a jesting manner might have used some expression toward him something of that nature. I think I never made use of that particular expression.

Question. Describe where you first saw the troops whom you afterward chased.

Answer. We were approaching Georgetown from the east, in the direction of Otterville. The soldiers I first saw—those I took for soldiers—were on a hill opposite a brick house—farm-house I should judge it was—on the right-hand side as we approached Georgetown from the east. I should judge I was about half a mile from town, not more than half a mile; about half a mile from court-house. They ran down the hill in the direction of the town on the main road; they made two turns before they got to the court-house.

Question. How near them had you reached when you entered the town?

Answer. I should judge when we entered the town we had gained about half a mile on them. By the time we were opposite the court-house they were about thirty or forty rods ahead of us.

Question. Had any portion of your force been sent south of your then position so as that they should approach from the south while you approached from the east?

Answer. No, sir. My directions to my pickets were to surround the town and to meet on the opposite side of town.

Question. Did the force advancing under your immediate command reach the town in a body or did any portion of it lead the advance into the town?

Answer. They did not reach the town in a body; the horses that I had, the Illinois cavalry, were swifter than those of the home guards; the cavalry was ahead.

Question. Where, at what spot, did the home guard desert you?

Answer. I am unable to say. My impression is that they started with us but they dropped off; I can't say where to my own knowledge.

Question. Was any horsemen of your cavalry ahead of you when you got opposite the court-house?

Answer. I should think that Orderly Glasgow was half a horse ahead of me when we turned the corner. I think there was but three of us when we turned the corner, but I am not positive as I was looking ahead and not behind me. In entering and riding through the town I am only positive that the court-house was on my right hand all the time. I think so.

Question. Did or not you see Glasgow drop his pistol when he reeled in his saddle?

Answer. I did not.

Question. State where you were when you saw him reel in his saddle?

Answer. He was ahead of me when I saw him reel; can't be positive of the place. I passed him and saw he was wounded but did not see him fall, nor did I notice whether his horse changed his direction. The next time I saw Glasgow he was in a wagon-maker's shop, or blacksmith's shop, on the same street on which I entered; that is my impression. The entering part there I am confused about.

Question. Had you passed Kidd's Hotel before you fired, and how many persons did you fire at?

Answer. Yes; I had passed Kidd's Hotel, and the number of persons I could see was about four more or less.

Question. Were they in sight when you made the turn at the corner?

Answer. They were in sight after we made the turn. They were on horseback and with guns.

Question. Had your cavalry revolvers?

Answer. A portion of them had revolvers; those with me had revolvers or horse-pistols.

Question. How did you enter the town? Were your sabers drawn or pistols in hand, if you know?

Answer. Pistols in hand; sabers were not drawn.

Question. What number of men had Captain Mitchell and was he on your right or left or rear when you entered the town?

Answer. I do not know the exact number of men he had; say about sixty men. He took the right of the turn, and did not enter I think on my street until he got round to the west end of town.

Question. You say that you, Glasgow and another were in advance as you entered the town. When the start was made by you in pursuit did or did not some one of the party exclaim that they were going to kill some of the damned secesh?

Answer. Not to my recollection; it might have been said; I don't recollect it.

Question. You say the accused was brought to you. State the terms under which the accused was taken.

Answer. No terms about it that I know of; no agreement made at all.

Question. Was he not taken under the express condition that if he would come down from his position in the attic of the hotel he should be treated as a prisoner of war?

Answer. Not to my knowledge. There was no one there authorized to make such proposition.

Question. Who did take him?

Answer. A detail of men; two—I am not positive—of the Illinois cavalry and one of the home guards.

Question. Did they not report to you when they brought him to you that he was in the attic, difficult of approach, with a revolver; that he determined to defend his life there and would cease to resist only upon the conditions of being treated as a prisoner of war, which they agreed to?

Answer. Nothing of the kind whatever. They never reported to me any such thing.

Question. Who was present at and heard the conversation you have given at first interview with the accused?

Answer. Captain Mitchell was there.

Question. Detail what that conversation was as it actually occurred and in the order in which it occurred and as near as may be in the words of the speaker, without drawing conclusions.

Answer. The first thing that I asked was was his name Magoffin? "Yes, sir," was his reply. I then asked him if he had any arms. His reply was finally that he had a double-barreled shotgun and a revolver. I then asked him if he had any connection with the Missouri State Guard or the so-called Confederate army as an officer or private. His reply was that he had none whatever, and following that he said he was a private citizen. All the time the conversation was going on it was broken into by the threats of some home guards principally and probably by some of my own men who threatened to shoot him. They were very much infuriated.

Question. Did the home guards hear you state to the accused that he was guilty of assassinating U. S. troops while in the discharge of their duty?

Answer. I don't know whether they heard me or not.

Question. When you told the accused he was guilty of assassination did he make any reply? If so what?

Answer. His reply was as his reply invariably was to any question in regard to the shooting that he shot in self-defense. I might have made some comments on the reply. I think it was in this wise: That he could not have concluded himself in danger while the troops were running through the town. He said in reply that he thought there was a larger force coming than was there.

Question. At what period was it in the first interview while he was a prisoner in your presence, surrounded by the infuriated home guard, that you delivered a little lecture to the accused?

Answer. It was after I had asked him the question in regard to his position in the army and after he had surrendered his arms.

Question. Can you recollect whether the accused went away for his arms after he was brought into your presence?

Answer. He either told some of my men where they were or went with them himself; I am not positive which.

Question. Was this first interview in the hotel or out of it? If out of it, how far from it?

Answer. It was out of the hotel; I should think probably three rods from the hotel.

Question. Were the home guards who wanted to kill the accused the men who had deserted you?

Answer. I do not know; I presume some of them were.

Question. How soon after your arrival in Sedalia was it that you delivered over the accused under the order of your commanding officer to the officer of the guard?

Answer. I should think within five minutes after we entered the encampment; the same evening of the occurrence at Georgetown and before sundown.

Question. Why did you seek another interview with the accused, and when was that?

Answer. The thought suggested itself to me that I had not examined his person to see if he had any weapons secreted on his person, and further to ascertain if he had any papers to give us any intelligence in regard to the movements of the enemy. This occurred about dusk the same day.

Question. Was it not your purpose to extract a confession from him as to the shooting?

Answer. It was not.

Question. Was the officer of the guard present at the search or any one else besides yourself and accused?

Answer. There was some one else; I can't say who it was. There was one or two of the guard. Colonel Hughes was not one of them.

Question. Was the conversation you started with him at all necessary to the object you say you had in view, viz, the search?

Answer. No, sir; it was volunteered on my part—wholly unnecessary.

Question. Was it any part of your purpose in going to the second interview to gratify the vindictive feelings you acknowledge to have felt against the accused?

Answer. It was not.

Question. Did you not find on his person a letter directed to the accused by the title of major?

Answer. I did. I don't know where it is now. The last I saw of it it was with my baggage which was lost at Lexington.

The commission adjourned to meet to-morrow, Saturday, February 15, 1862, at 10 a. m.

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SAINT LOUIS, MO., *February 15, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of yesterday were being read to the commission by the judge-advocate when at the suggestion of the commission and

the accused the further reading was dispensed with for the reason that yesterday's proceedings, composed entirely of the testimony of the witness, Lieut. Col. H. M. Day, would be read to him and to the commission during the morning.

The examination of Lieut. Col. H. M. DAY was resumed.

Question. State the conversation at the interview of the search just as it occurred and in the words of the speakers and in the order in which it occurred, avoiding conclusions and inferences.

Answer. There was but very little conversation had between myself and Mr. Magoffin at the time of the search; by that I mean to be understood that the principal part of the talking was on my part. I told him that I wanted to search him to see what he had on his person, and he replied, "All right," and commenced pulling off his coat and vest. I am not positive whether he had on a coat or not. While I was examining him I talked very severely to him, in this wise: "Magoffin, I am astounded that a man possessed of as much intelligence as you appear to be should take the course that you have in assassinating Federal troops." I told him that I hoped he would be shot or hung up by the neck; that I would like to be the man to do it. I told him that he probably would be disposed of in some way—executed on the following day. He during my conversation said but very little; he said that he supposed we came there with a larger force to take prisoners or kill all those who were in favor of seceding from the Federal Government of the United States. That is about all the conversation that I recollect of that evening.

Question. State all the conversation you had with the accused at your next interview with him, using the words of the speakers and preserving the order of the conversation as it occurred, avoiding conclusions and inferences.

Answer. The conversation on the following morning was had soon after his wife and daughter left. I am not positive whether Colonel Hughes was present at that interview or not. I first said to accused, "You probably will never see your wife and daughter." His reply was "it was a tough case." I then told him that we had two witnesses that saw him shoot; that we had a sure thing on him. He then said that he had shot what he supposed to be the commander of the forces that were coming into town; that he done it solely because he was in fear of his own life, as any man would under similar circumstances. I don't recollect any other conversation that morning. I might have said something to him to the same effect as I had the evening before.

Question. Did you tell him who the witnesses were? Did he ask who they were?

Answer. He did not ask. I did not tell him. I am not positive as to but one of them—Satterwhite. On my arrival at Sedalia they gave their names to the adjutant.

Question. You say some shots were exchanged you firing two of them. Who fired in exchange and at whom was the fire directed?

Answer. The firing was from those who were running from us; I mean the shots that were exchanged after I shot.

Question. Did they stop and turn their horses to fire, and at what point was that?

Answer. They did not stop their horses; as they turned to go into the timber they slackened their gait and fired. That was on the road what I understood to be from Georgetown to Sedalia. They did not go on the Sedalia road but made a turn to the timber on the north or northeast.

Question. Did you see the pistol of Wheat after he was wounded? If so state how many charges were in it.

Answer. I did not see it.

Question. Did you or not see the pistol of Glasgow after the disturbance was over; and if so how many charges were in it?

Answer. I did see Glasgow's pistol. I am unable to say how many charges were in it. It was a six-shooter. My impression is that I saw the pistol after we were ready to march from Georgetown to Sedalia.

Question. Do you remember or not whether that pistol was picked up from the ground by a citizen and handed to the orderly-sergeant?

Answer. I know nothing in regard to the manner in which the orderly obtained the pistol.

Question. You say you did not know from what place or direction the fire came when Glasgow reeled in his saddle. What prevented your knowledge of that fact?

Answer. I am unable to state.

Question. How far were the men you fired at from you when you fired?

Answer. To the best of my recollection they were off forty rods; they were not more and might have been less.

Question. Were they in sight of you when you made the turn at the court-house?

Answer. They were.

Question. Did the fifteen or twenty men more or less which you saw and chased half or three-quarters of a mile from the town, retire in a body or scatter?

Answer. They retired in a body.

Question. Will you say where it was you saw the muskets?

Answer. At the time I saw what I supposed to be muskets about half a mile from the court-house on the road leading toward Otterville, opposite a brick house on the hill.

Question. Did you see these men enter the town at a full run?

Answer. I did; the men that I saw on the hill.

Question. Are you acquainted with Mr. Mentor Thompson, who lives near Georgetown—an elderly gentleman? If so did you see him leading a horse on the road at that hill before you charged into town?

Answer. I don't know that I am acquainted with him and have no recollection of seeing him on the road.

Question. Was the accused on the list of marked men which you say you had when you started from Jefferson City?

Answer. His name was not on the list.

Question. Was it or not notorious at Jefferson City among the officers of the United States that the accused was a recruiting officer for Price's army and that he had a camp of men?

Answer. It was. I suppose that was the reason it was not on the list.

Question. You say that when the man came to you leading a horse, saying it was Magoffin's horse that was the first intimation you had that the accused was in that part of the country. Where did you suppose him to be?

Answer. I supposed that he was in the army of the Missouri State Guard.

Question. Were you or not under great excitement at the time of your first interview with the accused and was it not a scene of great confusion and noise?

Answer. The time of my first interview with the accused I was not very much excited. There was continual noise and confusion.

By the COMMISSION:

Question. Are you certain that when you entered the town and rode through the streets that the court-house building was always on your right?

Answer. Yesterday I was positive as to the fact but on reflection I am not positive.

Question. What was the cause of the threats on the part of the home guards and some of your men at the time of the first interview you had with the accused?

Answer. I do not know any cause for threats; cannot define any particular cause for threats.

Question. Are you certain that you made the turn at the corner where the building stands which you have described as a two-story building with stairs running up on the outside?

Answer. My impression is the same that it was yesterday, but I am not positive in regard to it on reflection.

Question. Were you wounded at the battle of Lexington?

Answer. I was; two wounds, and was a long time ill. I was wounded in the knee by a spent ball on September 20, on the day of the surrender of Lexington.

There being no further questions to propose to the witness the testimony he had given was read to him by the judge-advocate and he requested that the following corrections and additions be made: In reply to question 2 of judge-advocate I say "after I rode about ten rods," &c.; it should be "over ten rods." In reply to question 5 of judge-advocate add "I think he wore a dark-colored leghorn hat." In reply to question 3 by accused insert "afterward I made up my mind," &c. In reply to question 25 by accused add "I and other officers were engaged in keeping them off."

The witness was dismissed. The examination on the part of the United States was here closed.

MENTOR THOMPSON, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. What is your name, age and residence, and state where you resided in August last?

Answer. Mentor Thompson; fifty-one years old March 9, 1862; Pettis County, near Georgetown, Mo., and resided in August two miles and a half southwest of Georgetown.

Question. If you have any personal knowledge of a disturbance at Georgetown about the latter part of August last arising upon the entrance of U. S. soldiers into that village, state what you saw.

Answer. Well, sir, I was in Georgetown; saw Mr. Magoffin and party of twelve men with him. I left town for home about the middle of the day as well as I can recollect; passed out south of the town. When I got upon the hill about quarter of a mile, perhaps a little more, near Squire Henderson's house, I saw a body of cavalry as I supposed south of me about 600 yards coming in the direction of Georgetown. I was driving a wild horse and buggy and turned in at Henderson's lot; hitched my horse; got over in the yard and went to the fence on the roadside. When I got there the cavalry came up and stopped in the road right opposite where I was on the hill; house on east side of road. There were two of the cavalrymen from 50 to 100 yards behind the main body of men. They came dashing through the crowd of men, soldiers and a few civilians and they remarked that they would "kill some of the damned secessionists;" another man followed after them. There was a large hollow there between Henderson's and the town. They had crossed and had ascended the hill half-way on the other side toward the town before any of that party who were on

the hill made a move in the direction of the town. I remained in my position until I saw them at the southeast corner of the court-house yard or square. When at that corner or turning the corner I saw the flash of a pistol or gun as I supposed and heard the report, and what I supposed to be a pistol. Immediately after, the report of from two to five pistol shots as I supposed. I then heard the report of what I supposed to be a large shotgun or something of that sort; heard the report of two guns what I supposed to be shotguns. There were some two or three guns or pistols fired after that I could not tell which. I thought they were pistol shots. I then got in my buggy and left for home.

Question. What road did you come out of Georgetown to Henderson's?

Answer. The road from Georgetown to Sedalia. The men went into town by the same road that I came out.

Question. In coming from the town to Henderson's did you or not meet any body of armed men on horseback riding at full run toward the town?

Answer. I did not, sir.

Question. Did you leave the road after starting from the town until you reached Henderson's?

Answer. No, sir.

Question. From your position at Henderson's had you a full view of the road from Henderson's to the northeast corner of the court-house?

Answer. Yes, sir.

Question. Did you or not from your position at Henderson's see a body of armed men on horseback chased by the three soldiers you speak of?

Answer. I did not, sir.

Question. Did you lose sight of the three soldiers after they started at any time? If so state at what point.

Answer. Not until they turned the northeast corner of court-house square.

Question. Are you certain that you saw the smoke or flash and heard the report of a pistol at the northeast corner of the court-house square?

Answer. I am certain.

Question. How soon after you saw the flash and heard the first report before you heard the next report?

Answer. Within a few seconds.

Question. How soon after that before you heard the report of what you took to be a shotgun?

Answer. It was within a few seconds after that.

Question. From your position on the hill could you see the northwest corner of the court-house square?

Answer. Could not, sir.

Question. Could you tell from what point the report of the shotgun came?

Answer. No, sir; I could not.

Question. You say you saw the accused and twelve of his men. How were they armed?

Answer. They were armed with double-barreled shotguns. I did not notice particularly. I thought they were shotguns.

Question. Do you know when they came into town that day or were they there when you went to town?

Answer. I think they came in after I got to town. I saw the party ride down the street and hitch their horses.

Question. How did they come in, at what place, and how long was this before you started home?

Answer. They were riding in a walk down the street all together in a line. I suppose it must have been one hour.

Question. Where did they hitch their horses?

Answer. Hitched them to the court-house square fence; some on the north and some on the west side of the square.

Question. Do you know where the accused hitched his horse?

Answer. Yes, sir; he hitched his horse at the northwest corner of the square.

Question. Were the accused and his men in the town when you left for home?

Answer. Yes, sir.

Question. What were they doing if you know?

Answer. They were standing upon the street not doing anything particular.

Question. Did you see on that day any other body of armed men than those you have spoken of?

Answer. I did not, sir.

Question. What do you think was the amount of the force you saw at Henderson's, and did you know any of them?

Answer. I thought there were some twenty-five or thirty men at Henderson's. I knew none of the soldiers. I knew some of the citizens—civilians.

Question. Were all of the force you saw at Henderson's in uniform?

Answer. Of those three men that rode into town the last one I do not think was in military dress; the soldiers—all the rest were in uniform—the civilians were armed and on horseback.

Question. When you started from Henderson's for home where was the main body?

Answer. They were going up into town in the same direction as the other three.

Question. Do you remember how the accused was dressed that day?

Answer. No, sir; I don't believe I do. He had on citizen's dress—I recollect that. In his every-day dress, such as I had seen him in town there wear frequently before.

Question. Whereabouts in the town did you see the accused that day and what was he doing?

Answer. I saw him at Fischer's store and at the drug store; he was standing talking with some gentlemen.

Question. Where is Fischer's store and where the drug store?

Answer. Fischer's store is across the street from the northwest corner of court-house square. It is the corner house on the main cross street; two-story frame building; stairs outside on the side of the building next to Main street. The drug store is across the street west, a little north of the center of the square, about fifty feet south of Fischer's.

Question. Do you know whether the armed civilians you saw at Henderson's were home guards?

Answer. I do not, sir; but I don't think they were.

Question. Where had you seen the accused last before you saw him in Georgetown that day?

Answer. I do not recollect where.

Question. Could you say whether the first pistol flash was from a man on horseback or on foot?

Answer. I could not, sir. I took it to be from one of the men on horseback.

Question. What obstruction prevented you seeing the northwest corner of the court-house square?

Answer. The trees in the court-house yard. The court-house itself would prevent my seeing it from my position.

Question. How near the court-house square on its east front does the road run up which the three men galloped?

Answer. It runs right along the east side of the court-house square.

Question. Is the hill at Henderson's as high as the ground occupied by the court-house yard?

Answer. I think it is, sir.

By the JUDGE-ADVOCATE:

Question. What was the distance from where you stood at Henderson's to the northeast corner of court-house square where you saw the soldiers turning the corner?

Answer. Well, sir, I think it was about 600 yards.

Question. You say in your statement that when the soldiers turned the northeast corner of court-house square you saw the flash of a pistol or gun. Could you readily tell at the distance you were off (600 yards) the flash or report of a pistol from a gun?

Answer. Well, I thought so, sir. I supposed it to be a pistol from the report.

Question. Did you see the accused with the body of men whom you saw come slowly riding down the street?

Answer. Yes, sir; he was with them.

Question. Do you know whether the accused had any particular connection with those men? and if so state what.

Answer. I don't know that he had any particular connection with them. I did not know the men.

By the COMMISSION:

Question. How long had you been in town before the accused came in?

Answer. I think I had been about one hour and a half—that is before I saw him.

Question. Did he give his men any order of a military character?

Answer. None that I heard.

Question. How were they clad?

Answer. All in citizens' dress. I noticed nothing peculiar in their dress. I did not notice their dress particularly.

Question. How far from the town plat is the place where you met the troops?

Answer. It is 250 yards, and there were two cross streets between me and the north side of the square. The court-house stands on the third block. One street is fifty feet wide and the street adjoining the square is sixty feet wide.

Question. How far do you live from the residence of the accused?

Answer. I live about nine miles.

Question. How long have you known him?

Answer. I have known him some five or six years. I don't remember the time exactly; have known him ever since he has been in the county.

Question. What are your personal relations with him—intimate and friendly, or otherwise?

Answer. Friendly.

Question. What sympathy is there between you and him—politically, religiously or otherwise?

Answer. I understand he was a member of a Christian church, and I am a member of a Christian church. We have voted differently—he has been a Democrat and I am a Whig. We differ now in politics. Do not belong to any secret association with him or anybody else.

Question. What are your sentiments in relation to the present troubles?

Answer. My sentiments are that I would like very much to have peace restored; have been so all the time.

Question. On what terms?

Answer. On terms in conformity to the provisions of the Constitution.

Question. On which side are your sympathies?

Answer. My sympathies are with the Southern people.

The testimony of the witness was read to him by the judge-advocate and there being no additions or corrections to be made the witness was dismissed.

GEORGE S. BROWN, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, age and where you resided in August last.

Answer. George S. Brown; twenty-six years old; resided near Georgetown, two and a half miles northeast.

Question. If you know anything of a disturbance that took place in Georgetown about the last of August, 1861, arising upon the entry of United States soldiers in that village state it.

Answer. I went up to Georgetown on business and I was at the post-office when Colonel Magoffin and twelve men rode down the street. The post-office is near the suburbs in the western portion of the town. I remained there at the post-office after Colonel Magoffin passed down the street with his men, and I proceeded down the street to Mr. Hoge's drug store. When I stepped in Colonel Magoffin was in the drug store. I spoke to him and started to walk out of the door. Just at that time his men came from the court-house (they had been up in the court-house) to the drug store where Colonel Magoffin was. They reported to him that there was a large dust over toward Sedalia. Colonel Magoffin then asked me if I knew where the Irish shoe shop was. I told him it was around in Captain Kidd's Hotel on Main street. He asked me to walk around there with him; that he wished to get a pair of boots for Charlie Hardin, his son-in-law; that as he had his gun the Irishman might think he wished to hurt him in some way. He did not wish to frighten him in any way. All he wished was to know if the boots were done. When he asked me to go round there with him he ordered one or two of his men, I am not positive which, to get on their horses and ride round on the brow of the hill below the printing office, [on road] out of town, to see if they could see any armed men or soldiers coming, and whilst they were getting on their horses we went round to the shoe shop. All the rest of his men accompanied him. Colonel Magoffin after he walked into the shoe shop and asked the question about the boots walked out. He was standing on the

pavement before Captain Kidd's tavern. In a few minutes his men who were sent off returned and reported that the enemy was coming. They came back full tilt. His other men who were standing around him broke for their horses. Colonel Magoffin ordered tnem to halt some two or three times I am not positive which, but they paid no attention to his command or order but ran, unhitched their horses and mounted them. Colonel Magoffin walked briskly to his horse after he found that his men would not halt. When Colonel Magoffin got to his horse the bridle was off. He unhitched the bridle from the fence and put it on his horse, and when he attempted to get up his foot either slipped or the stirrup leather broke I could not say which. Just at that time three Federal soldiers wheeled the corner of the court-house fence and just as they wheeled they hallooed "here they are," and fired. Well, there was from three to five pistol reports before I heard the report of the shotgun. Well, sir; there were two of the three soldiers ran, riding as hard as their horses could go up Main street in pursuit of Magoffin's men, and fired some three or four shots after they passed where I was standing myself. I was standing right on the platform in front of Mr. Fischer's store, right on Main street. The other soldier turned the northwest corner of the court-house fence and went up to Mr. Hoge's drug store. He was sitting there on his horse for a few minutes when there was some one came to his assistance and aided him to get off his horse. In a few minutes after that the whole town was alive with soldiers.

Question. At what part of the town—east, west, north or south—did the accused and his twelve men enter tbe town?

Answer. Entered the town from the west, right down the Lexington road.

Question. Where were the horses of the twelve men hitched and where was the horse of the accused hitched?

Answer. The horse of the accused was hitched at the northwest corner of the court-house fence. The most of the other horses were hitched on Main street on the north side of the court-house fence.

Question. How far was the printing office from the court-house square and in what direction from the court-house?

Answer. It was some 100 or 150 yards from the court-house and very near a southeast direction from the court-house, and on the left-hand side of the street as you go to Sedalia and within the town.

Question. Did you change your position at any time after the first fire? If so state in what respect.

Answer. I did. I was standing, and moved right back against the store; it was about half-way between the building. The building is between fifty and seventy-five feet long.

Question. From that position could you see the accused?

Answer. I could not, sir.

Question. Did you know either of the three soldiers who turned the northeast corner of the court-house square and fired?

Answer. I did not, sir.

Question. Do you now know Colonel Day, and can you say whether he was one of the two men who ran past you?

Answer. I cannot, sir.

Question. From what direction did the report of the shotgun come?

Answer. It came from about the vicinity of the northwest corner of the court-house fence where I last saw Magoffin. I heard but one report of shotgun.

Question. Could you or not see the pistols in the hands of the three soldiers?

Answer. Yes, sir.

Question. Did you go around to where the wounded man was assisted from his horse? If so state his condition,—whether dead or alive and where and how wounded.

Answer. I walked around some five or ten minutes after the shooting occurred. When I was standing last up the street he had been assisted from his horse. He was not dead and I did not see where he was shot. I saw where he was bloody around the neck. I did not see him afterward.

Question. Do you know whether the accused got or was getting on that day in town shoes for any of the twelve men?

Answer. I heard him inquiring for merchants, that he wished to get some shoes for his men. The doors were closed because it was reported that the soldiers were coming in.

Question. Did you see any other body of armed men that day except the U. S. soldiers and the home guards and the twelve men?

Answer. I did not, sir.

Question. Did you know anything about a body of armed men on horseback without uniforms numbering about fifteen or twenty men who were chased into the town of Georgetown by the U. S. cavalry on that day?

Answer. No, sir; I do not.

Question. Were you at Kidd's Hotel at the capture or surrender of the accused? If so state what you know of either.

Answer. No, sir; I was not. I was at Mr. Phillips' store when they caught him at Kidd's Hotel.

Question. Were you present when he was carried before Colonel Day and there tied? If so state any conversation you heard there between the colonel and the accused.

Answer. I was not there.

Question. Are you certain that the firing by the three men with pistols was before the report of the shotgun?

Answer. I am, sir.

Question. In what direction did they fire, and at the time of the fire were they in full run?

Answer. They were in full run and they fired right at the men who were leaving their position at the court-house fence—leaving as fast as they knew how.

Question. How many of the twelve men passed you up Main street after the firing began?

Answer. There were some six or seven passed me after the firing began.

Question. When the accused went to his horse did he have his gun, and what sort of a gun was it?

Answer. Yes, sir; he had his gun. It was a double-barreled shotgun.

Question. Was the accused in full view of you up to the time you changed your position by going back to the wall of Fischer's store?

Answer. He was in full view of me up to that time.

By the JUDGE-ADVOCATE:

Question. How far had Colonel Magoffin's men gone when his foot slipped in the stirrup?

Answer. Some had not left the fence; some had gone.

By the COMMISSION:

Question. You speak of Magoffin's men; why do you call them by that term?

Answer. Because I understood he was a recruiting officer and I had heard him call them his men when he wanted to purchase for them. By some he was called major and by some colonel.

Question. Do you know what was the object of the accused and his men in coming to Georgetown? Was he in command of a band for any particular purpose?

Answer. I do not; only as a recruiting officer.

Question. What are your sympathies in relation to the present troubles?

Answer. I am a strong Constitutional man.

The commission adjourned to meet on Monday next, February 17, 1862, at 10 a. m.

—

SAINT LOUIS, MO., *February 17, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The proceedings of Saturday, February 15, were read over in part to the commission at the suggestion of the commission and the accused. The part read was the testimony of George S. Brown. The testimony of Lieutenant-Colonel Day and of Mentor Thompson, taken on Saturday, had been read to the commission and the witnesses on that day and the rereading was therefore dispensed with.

DANIEL E. SANDERS, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, age and residence.

Answer. Daniel E. Sanders; twenty-one years old; Georgetown, Pettis County, Mo.

Question. If you know anything of a disturbance at Georgetown in August last arising from the entry of some U. S. soldiers into that village state it.

Answer. The accused came into town on that day, August (I don't remember the day) about 12 o'clock with twelve men, and I think it was about an hour after he came in when the alarm was given that the Federal troops were coming. At that time I saw Mr. Magoffin standing on the sidewalk, and in three minutes after the Federal soldiers came in. Just before they came in the part of Colonel Magoffin's men that went around the court-house square—I don't know whether they were sent—came running back in full speed on their horses. I suppose to the best of my recollection they were about fifty yards ahead of the Federal soldiers. Just as the Federal soldiers turned the corner of the square there was three or more came in first; there was between three and five shots fired at the men that were running; the shots were fired by the Federal soldiers. I did not know any of them at that time but became acquainted with them afterward—the one that was wounded. Well, after the shooting was over I saw Colonel Magoffin run; he was shot at once or twice as he run; he was found shot about an hour after that in Kidd's Hotel. That is all I know about it.

Question. At what place in the town was the accused when he was shot at by the Federal soldiers?

Answer. He was running south of Fischer's store in the direction of Kidd's Hotel—the back part of Kidd's Hotel.

Question. What corner of the court-house square was it that the Federal soldiers turned and where were you then?

Answer. They turned the northeast corner, there where I first saw them. I was in my office up stairs over Fischer's. I was employed by Fischer settling his business.

Question. What sidewalk was it that you say the accused was standing on when the alarm was given that the Federal troops were coming? Describe the place.

Answer. It was on Fischer's sidewalk on Main street. The window of my office looked out to the north. The platform extended beyond the line of the court-house fence.

Question. Did you see the accused at the time the Federal soldiers first fired or notice where he went from the sidewalk?

Answer. I did not see him after he left the sidewalk until I saw him run.

Question. What did the Federal soldiers fire with?

Answer. I don't know with what kind of arms. The one that was wounded fired with holster pistol.

Question. Did you see a shotgun fired or hear the report of one? If so at what time before or after the firing by the Federal soldiers?

Answer. I heard the report of one after the firing by the Federal soldiers.

Question. Did you see the accused have a gun that day? If so when and where?

Answer. I saw him have it; when he was on the sidewalk he had a gun.

Question. From where you stood could you see distinctly the Federal soldiers as they turned the northeast corner of the square?

Answer. Yes, sir.

Question. Did you see the soldier who died? If so did you see his pistol?

Answer. Yes, sir; I saw his pistol. I did not examine it. I saw a gentleman pick it up—Samuel H. Brown. It was a holster pistol.

Question. Do you know Mr. Mentor Thompson and George S. Brown, and did you or did you not see them in Georgetown that day?

Answer. I do know them and did see them there that day.

Question. Were you present at Kidd's Hotel when the accused was taken or surrendered? If so state the circumstances.

Answer. I was not at Kidd's Hotel. I did not see him until they had started out of town with him.

Question. Were you present at any conversation between Colonel Day and the accused on that day?

Answer. No, sir.

Question. Is there any obstruction to the view from the northeast corner of the square to Henderson's house?

Answer. None at all; none from the fence. Henderson's house sets back from the road.

Question. From the printing office is the view to Henderson's obstructed?

Answer. No, sir. The distance from the printing office to the northeast corner of the court-house square is about 150 yards.

Question. Do you know whether the accused was or not a recruiting officer under the then governor, Jackson?

Answer. I do not.

Question. Can you state how many of the accused's men came galloping giving the alarm?

Answer. I can't say the exact number. The men who went round the court-house square first gave the alarm—four or six; I don't know the number of them.

Question. Which way did they go round?

Answer. I think they went round by the south side of the court-house square. They were on horseback.

Question. Did you see them return; and if so which way did they come?

Answer. Yes, sir. They came up Main street having turned the northeast corner; they came round that way.

Question. Did you know where the horse of the accused was hitched?

Answer. He was hitched near the northwest corner of court-house fence. The horses of the others were hitched some on the north and some on the west side.

Question. What part of the town did the accused and the twelve men enter and how—rapidly or slowly?

Answer. He entered from the west part of town slowly, on horseback—horses all walking.

Question. Did you see any other body of armed men that day in town besides the twelve men and the U. S. forces?

Answer. No, sir.

By the JUDGE-ADVOCATE:

Question. You say the accused came into town about 12 o'clock on that day. Did you see him enter and where were you at the time?

Answer. I was at the Pacific Hotel in the west part of the town and saw them enter. Pacific Hotel is on south side of Main street about 400 yards west of Kidd's Hotel.

Question. What was the accused doing with twelve men in town that day? Do you know whether it was a party headed by accused for any particular object or a mere chance meeting?

Answer. I do not know, sir.

Question. Why did you not state in your narrative of events the fact that you heard the report of a shotgun before you saw the Federal soldiers shoot at the accused?

Answer. I forgot it.

Question. Did you hear the report of shotguns immediately after the Federal soldiers first fired or how long after?

Answer. It was a very short time after. It was all in a minute the shooting was done, or in a very few minutes. Immediately after the first firing the report of a shotgun was heard. This firing was all at our corner and was done in a short time.

Question. Do you know what those men were doing in town on that day, and were they residents of the county or strangers so far as you know?

Answer. I knew some of them; some I did not. I don't know what they were doing that day.

Question. Who fired at the accused as he was running after you heard the report of the shotgun?

Answer. I don't know the gentleman; he belonged to the Federal Army.

Question. Where were you when you saw these soldiers turning the corner and what were you doing?

Answer. I was upstairs in my office.

Question. How could you see the soldiers coming down Main street or turning the corner?

Answer. I heard the alarm and was looking out of the window fronting on Main street.

By the ACCUSED:

Question. What do you mean by looking out of the window?

Answer. I heard the alarm and was sitting by the open window and put my head out.

The testimony given by the witness was read over to him by the judge-advocate and he requested permission to add as follows: In his statement he says "there were between three and five shots fired at the men that were running." He modifies it by saying "in the direction of the men that were running."

JOHN G. HUTCHISON, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, age and residence.

Answer. John G. Hutchison; near forty-five years of age; a mile from Syracuse, Cooper County, Mo.

Question. Are you connected by blood or marriage with the accused? If so state how.

Answer. Yes, sir; he married my sister.

Question. State if you know what connection the accused had with the armies of Jackson and Price in arms against the United States?

Answer. I know personally nothing.

Question. Did you ever see the paper written and left at the residence of the accused by Colonel Brown on the night of the death of Mrs. Magoffin? If so state its contents as well as you are able.

Answer. Yes, sir. "This safeguard permits E. Magoffin to remain with his family for ten days" (or until the 20th, I don't recollect which—ten days, I think) "with privilege of visiting our headquarters," and then something about soldiers or officers to respect this safeguard. That would be the substance of it and that safeguard I had in my possession about twenty-four hours. On the 11th or 12th of December I gave it up. It was signed by Colonel Brown, acting aide-de-camp to somebody else.

Question. Was the safeguard confined to the protection of the person of the accused or did it or not embrace his property?

Answer. From the reading of it I supposed it was only his person. From a conversation a day or two afterward he supposed that his property was protected by it. He had not seen the safeguard until I gave it to him. The safeguard was given to me so that he would not have to show himself when officers called.

Question. Did you have any occasion to use that paper for protection of the accused or his property? If so state the circumstances.

Answer. His house was surrounded by troops on the 11th of December—I am not sure whether it was the 10th or 11th—before the funeral. I then showed the safeguard to the commander of the troops—U. S. cavalry troops. They then retired; they molested no person. They called for hay and corn for feeding their horses. My father told them to go and get it.

Question. After that do you know of any depredations being committed on the property of the accused by Federal soldiers? If so state when and the circumstances.

Answer. On the next day a regiment passed Mr. Magoffin's. The soldiers killed a good many of his hogs, turkeys and chickens. Colonel Thayer, First Nebraska Regiment, he had command. I was told so. There were two regiments. It was Col-

onel Thayer's men who killed the hogs. Know them by their dress. I told them the property there was under the protection of the Government. They said it made no difference with them. I had this conversation with the privates. The Federal soldiers that same day destroyed fencing to make a bridge or to fill a mud-hole. The accused was then in the yard at his house. This was after the funeral—the day after the funeral.

Question. Do you know what the arrangement was between the officers of the Government of the United States and the accused by which he was permitted to visit his wife, then in extremis?

Answer. I do not.

Question. Did you have any agency in making that arrangement?

Answer. None.

Question. How long did you remain at the house of accused before you returned home?

Answer. I was there for several days—some days at Mr. Magoffin's house and some at my father's. They lived about three miles apart.

Question. Do you know anything of the circumstances connected with another safeguard, either as to its procurement or its return?

Answer. Nothing personally.

Question. Were you present at a conversation that occurred at the hog-pen between the accused and Colonel Hughes?

Answer. No, sir.

Question. Have you any knowledge of a conspiracy to assassinate the accused, or do you know whether information of such a purpose came to the accused before the 20th of December?

Answer. I do not—to both questions. I left the neighborhood on the 13th or 14th of December.

Question. If you know any fact or circumstance not previously stated by you favorable to the innocence of the accused state it.

Answer. The day those hogs were killed Mr. Magoffin told me he would be compelled to go back to the army as there was no protection for his property or for himself. The soldiers told me that if I drove the hogs away they would shoot me.

By the JUDGE-ADVOCATE:

Question. Do you know that the safeguard protected the person of the accused on the day Colonel Thayer and his command passed by? Was the safeguard shown to the officer in command?

Answer. The safeguard was not shown. It was in my pocket at the time. Colonel Thayer knew of the safeguard. He was at Colonel Magoffin's the day before and I told him of the safeguard. He may have known it before as he did not come to arrest him.

Question. Do you know if any complaint was made to the commanding officer that his men were killing hogs, turkeys and chickens?

Answer. I do not. They were only a short distance apart; they were stopping to rest on the road—perhaps half an hour.

By the ACCUSED:

Question. How were the hogs killed—by shooting or otherwise, and what was done with them after they were killed?

Answer. By shooting, and then they were thrown into the wagons.

The testimony of the witness was read to him by the judge-advocate and he was dismissed.

CHARLES A. HARDIN, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, age and residence and whether you are related to accused by blood or marriage.

Answer. Charles A. Hardin; twenty-five years old; Georgetown, Pettis County; I married the daughter of the accused.

Question. State any knowledge you have of the connection the accused has had with the army of Price or Jackson, and in what capacities.

Answer. I could not say positively whether the accused was connected with the army previous to this occurrence or not—I mean by occurrence the shooting at Georgetown. I can state some facts that will throw some light on the subject. A short time before the battle of Carthage Colonel Magoffin left home expressing his intention to his family to connect himself with Price's army. I saw nothing more of him until about four or five days after the battle of Carthage. It may have been as much as two or even three weeks before the battle of Carthage that he left home. Well, when he got back home he gave us a very graphic description of that battle; spoke of his having been in it. Well, he also spoke of frequent conversations he had with Claiborne F. Jackson showing that he was in his confidence. At least that was the impression he made on my mind at the time. Well, just about the time of his return he began to raise a regiment. He succeeded in getting from Saline and Pettis Counties about 225 or 230 men; that is what I understood. I did not count them but saw them. They were quartered near his house while I was there. Well, I saw them drawn up in front of the house and witnessed an election and the accused was elected major. It was a short time after the battle of Carthage and before the occurrence at Georgetown. Well, he had a son, Captain Magoffin, who was in charge of one company. Colonel Magoffin sent his son's company (Captain Magoffin) and my impression is he sent all the others to Price's army. He remained at home himself, but I heard him say repeatedly that he expected to rejoin the army or the men that he had sent out there. Well, there were twelve men I think that I heard from him he got from across the river, and there was a portion of the company that had not arrived and he was waiting for them—the captain of the company and the rest of the men. It was during that time the occurrence took place at Georgetown. I was at Colonel Magoffin's house on the morning of that occurrence when they started into town—that is the accused and the twelve men. Colonel Magoffin remarked to me that he wanted to get shoes or clothing or something for his men. I handed him a $5 bill and told him to get my boots at the shop there which I had had footed. I did not see the accused again until I saw him a prisoner at Lexington. While I was there I was informed by Colonel Tracy, Colonel Taylor and another colonel whose name I forget, that General Price was willing to exchange certain prisoners he had for the accused, and I had a talk with Colonel Marshall on the subject who declined for the reason that he thought it was unfair to exchange prisoners who had taken up arms for prisoners in Price's hands who were citizens, such as Governor King, Judge Ryland, &c. Colonel Magoffin showed me a commission from Price appointing him colonel. I do not recollect its date. This was after the battle of Lexington. I read it.

Question. In what capacity did the accused act at the battle of Carthage?

Answer. I do not know. He stated that he was at the battle of Carthage but did not state his capacity. He mentioned that he received orders from Jackson and had received prisoners.

Question. Since the battle of Lexington what so far as you know has the accused been doing?

Answer. Well, I don't know. He had been with Price's army until he came home when his wife was sick. The family sent word to him at Price's army that his wife was sick. This was about the latter part of November. The accused was not at home I know from the date of the battle of Lexington, September 20, until he was sent for as above.

Question. Were you at the house of the accused during the last illness of his wife? If so do you know anything of the arrangement made between Colonel Brown and the accused?

Answer. Yes, sir; I was there on the evening of the arrival of the accused from Price's army. He staid one night at home and went over into Saline, there being a pretty considerable Federal force at Sedalia at the time. His wife continued to get worse; she was at that time quite sick. On Saturday, the 7th of December, we despaired of Mrs. Magoffin's recovery and my wife wrote a note to Colonel Magoffin requesting him to come home that night. Some time after the note had been sent, a little after dark, the house was surrounded by Federal troops and occupied by them with the exception of Mrs. Magoffin's sick-room. They were searching for the accused. At my solicitation the officers did not enter Mrs. Magoffin's room. Well, I reckon it was about 8 o'clock that night Colonel Magoffin rode up within sixty yards of the house. He was fired at by three sentinels but escaped, leaving his horse behind him. I saw nothing more of the accused until Sunday night, the troops occupying the house until Sunday morning. Sunday night—I think it must have been as late as 11 or 12 o'clock—Colonel Magoffin came in the house. I was asleep at the time but my wife came and woke me up and I went down to the sick-room and saw Colonel Magoffin kneeling by the side of his wife. He remained there perhaps two hours—three may be. He told me he had been in sight of the house the whole time. He remarked to me that he could have gotten away but did not have the heart to leave his wife. At the suggestion of his mother-in-law, old Mr. Hutchison went over to Doctor Hughes'. Colonel Magoffin also went over, but don't recollect whether it was before or after Mr. Hutchison returned. This was Sunday night. I saw nothing more of Colonel Magoffin until Monday night. He then came home in company with Colonel Brown and Colonel Hughes. He went first into his wife's room. I followed pretty soon after and found him kneeling by his wife and her arms around his neck; the children also kneeling around. There was a great deal of confusion. I met Colonel Brown coming out of the room. He seemed very much agitated; I believe shedding tears at the time he came out. I remained in the room but a short time and went into the dining-room where I found Colonel Brown and Colonel Hughes. Colonel Brown asked me if there was any paper convenient and I think Miss Belle Magoffin left the room and in a short time returned with a single half sheet of paper. We noticed something on the back of it. He had sat down and I asked him or Colonel Hughes—I don't recollect which—what arrangement they had made. One of them stated to me—I can't recollect which—that they had allowed Colonel Magoffin ten days to remain at home and during that time to consider a proposition which they had presented to him. I asked them what proposition that was. They told me that they had proposed to protect Colonel Magoffin in his person and property if he would give his parole of honor not to take up arms against the Government. Well, after he had made that statement to me he sat down and commenced writing the safeguard. After he had finished it he handed it to some one. I read it. I think it granted him permission to remain at home and to go to Sedalia and Georgetown. To do so he had to pass the lines. I think it also forbid any one to interrupt him or his property during the ten days. I do not remember there was anything else in the safeguard. Colonel Magoffin and me went out one evening after the burial of his wife to the hog-pen. We were sitting there talking about this proposition that they left with him when Colonel Hughes came up and addressed Colonel Magoffin very cordially, and said, "Mac, you had better stay at home." I think that was the remark. Colonel Magoffin stated to Colonel Hughes that he would like very much to do so on account of his children and the deranged condition of his affairs. Colonel Hughes then remarked that Colonel Brown would be out the next morning to arrange about it—to see about it. Colonel Magoffin remarked that he would be glad to see Colonel Brown.

Question. Were you present at a conversation between Colonel Hughes and the accused at the hog-pen? If so state your understanding of what was said, and especially what was said touching a second paper.

Answer. I heard nothing that I remember of about the paper. Colonel Magoffin said when we returned to the house that he was afraid the United States Government would not protect his property; that he would give anything in the world to stay at home in peace. The next day—evening I think it was—when Colonel Hughes came I was absent. The next evening I came home. I met my wife in the door and she seemed very much alarmed. She remarked to me that her pa had received information from two different quarters that if he remained at home he would be assassinated that night. I endeavored to remove her fears, but she replied that there could be no correspondence between the two informants and that her father's life was in great danger. Colonel Magoffin came into the room and asked me to take a walk with him and he betrayed more emotion, trepidation than I had ever witnessed in him before. Usually he is a very cool man. He told me about the same my wife had told me and as we walked across the meadow in the direction of the woods he asked

my advice—what course he should pursue. I advised him to stay at home, and I think persuaded him; at any rate he walked down to the woods and got his gun which he had never taken away since he came home the night he was fired at by the sentinels. He said when he took his gun, "I will put this by my bedside to-night, and if any one attempts to assassinate me he will pay dearly for it." He came back to the house, and when he got there he walked into a room where his mother-in-law (Mrs. Hutchison) was and he remained there in conversation about an hour—I don't recollect how long. He came back and stated to me that he had changed his mind. He said that on account of his children he would hate to be assassinated in his own house or to bring any further difficulty on them by being there, or words to the same effect. I asked him what arrangement he had made with Colonel Hughes. He told me that Colonel Hughes had left a paper lying on the table and told me I could read it. I read the paper and said to Colonel Magoffin, "Did you give your parole of honor to remain at home?" He told me he had not; that he had ten days to decide that matter. I then asked him the question, "Colonel, why did Colonel Hughes leave that paper here? That seems to imply that you had given your parole of honor." He remarked to me that there could be no misunderstanding about the matter as it was clearly understood he was to have ten days to decide; "but," says he, "for fear that there should be some misunderstanding about the matter I will write a letter to Colonel Hughes." He was at that time walking the floor. The paper was brought in to him by one of his daughters I believe. He remarked to me that he felt very nervous and he would prefer that I should write the letter at his dictation. I sat down and wrote the letter myself as he dictated it, word for word. He started away that evening and left word that the letter should be sent to Colonel Hughes immediately, and if I am not mistaken the safeguard accompanied it.

(The judge-advocate shows the witness the letter marked C which he acknowledges to be the one he alludes to.)

The next morning the witness sent the letter up to Mr. Hutchison's—it was either that night or the next morning. I saw him leave the room after bidding us all good-bye. He went off on horseback. Don't know whether the accused took his gun or not; I did not see it afterward.

The testimony given by the witness was read to him by the judge-advocate and he was dismissed.

The commission adjourned to meet to-morrow, Tuesday, February 18, 1862, at 10 a. m.

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SAINT LOUIS, MO., *February 18, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The proceedings of yesterday were being read by the judge-advocate when at the suggestion of the commission and the accused the further reading was dispensed with for the reason that the testimony of the three witnesses examined yesterday was read to them and to the commission in each case after it was given.

H. T. WALKER, captain, Missouri State Guard, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, rank, age and present condition.

Answer. H. T. Walker; captain in Missouri State Guard; regiment not permanently organized; twenty-eight years old; prisoner of war.

Question. Were you or not at the battle of Carthage? If so state whether you have any knowledge as to the fact of the accused being engaged in that fight and on which side.

Answer. I was at the battle of Carthage. I saw Colonel Magoffin there; he was with General Parsons. There were four prisoners came into my charge that day and I delivered them over to Colonel Magoffin.

Question. Do you know whether the accused at any other place and time was with the army of Price? If so where when and in what capacity?

Answer. I do not, sir. I saw him at the battle of Lexington the evening he was liberated.

Question. In what county do you reside when at home, and was your connection with the State Guard constant or only at intervals?

Answer. In Pettis County. It was constant, sir, until the battle of Lexington.

Question. Were you taken prisoner at Milford? If so state whether the prisoner was there in arms or taking part against the U. S. forces.

Answer. Yes, sir. I did not see the prisoner until the morning after the surrender. I was then acting in my capacity as captain. Colonel Robertson commanded my regiment.

Question. Can you give the date of the battle of Carthage? Can you give the date of your capture at Milford?

Answer. I think it was the 10th of July. Our capture at Milford I think was on the 19th of December.

Question. Where were you about the 28th of August last? Do you know of anything of the disturbance at Georgetown about that time?

Answer. I know nothing about it only from hearsay.

Question. Before you started for the army at that time do you know whether the accused was engaged in recruiting soldiers for Price's army?

Answer. I think he was; I can't say that I do know it.

Question. Do you know of any arrangements being made for the exchange of the accused while he was a prisoner at Lexington?

Answer. I heard officers in our army talk of exchanging Judge Ryland for the accused.

Question. How long were you encamped on Blackwater before you were taken?

Answer. We got there a little before day and taken the next afternoon.

Question. When you did see the accused at Milford had he any arms?

Answer. No, sir; he had no arms. We were all disarmed at the time.

Question. Do you know Capt. E. H. Magoffin? If so state whether you met him in the army of Price—where, when and in what capacity.

Answer. The first time I saw him in the army was last May; he was a second lieutenant. I next saw him at Boonville; he was a lieutenant then also. About the last of August I joined him near Clinton on his way to join Price. He was then in command of a company.

Question. At Jefferson City in May upon the first call for volunteers by Jackson did you or not see the accused?

Answer. No, sir; I don't think I saw the colonel there.

Question. Is the army of Price uniformed or not?

Answer. No, sir. Some of the officers have uniforms and some have not; the majority of them have not.

By the JUDGE-ADVOCATE:

Question. Are you a commissioned officer?

Answer. I have never received a commission. I think the officers receive commissions; after they have been elected and have opportunity they receive commissions.

Question. Have not the officers in Price's army some distinctive uniform, mark or badge by which they could be known by their men or distinguished from privates?

Answer. A very few of them.

Question. By whose order did you deliver the prisoners to the accused at the battle of Carthage and what position did he hold as the recipient of prisoners?

Answer. I did not deliver them by any order at all. The prisoners were in my way and I gave them over to Magoffin.

Question. During the morning and day of your encampment near Milford and before the surrender how many recruits came in, and what proportion of them was armed and what number unarmed to the best of your knowledge?

Answer. I have no knowledge of any recruits coming in that day.

Question. Before the prisoners were captured what proportion of the force encamped near Milford was armed?

Answer. I think that it was less than one-half.

By the ACCUSED:

Question. At Boonville and Carthage what was the condition of the State forces as to regular organization?

Answer. I hardly think it was a perfect organization—some regiments and some companies were formed; others that were not full; some companies that were not attached to any regiment.

Question. What was the number of your force at Milford, and how many prisoners were in point of fact taken?

Answer. I do not know the number of force there. I should put it down at 600. Some escaped.

F. S. ROBERTSON captain [colonel?] Missouri State Guard, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, age, rank (if any) and your present condition.

Answer. F. S. Robertson; captain [colonel?] in the Missouri State Guard; have his commission as such; thirty-four years old; prisoner of war.

Question. Were you taken prisoner at Milford, and who commanded the forces there taken?

Answer. I was. I commanded them.

Question. Was the accused there? Was he armed? Did he constitute any part of your forces or take any part against the United States on that occasion?

Answer. Yes, sir. He was not armed that I saw. None whatever that I saw.

Question. State whether you reported to General Pope the accused as a colonel constituting part of your force.

Answer. I did not, sir.

Question. Did you ever make such report to any officer of the United States?

Answer. I did not.

Question. Did you ever regard the accused at that place as being any part of your force or in any respect subject to your orders?

Answer. I did not, sir.

Question. State, first, the date of the surrender; second, the amount of your entire force; and, third, the whole number of the prisoners taken.

Answer. The 19th of December, 1861. About 750 was the number I started out with from Grand Pass, Saline County. The number of prisoners taken as near as I could ascertain was 684 officers and privates sworn in. There were some citizens, the number I don't know—some fifteen or twenty that fell in with me.

Question. Did you know the accused prior to the battle of Carthage? Do you know whether he was in that battle and in what capacity he acted?

Answer. I did not, sir. I was there but did not know whether he was in that battle or not. I was second lieutenant of the Saline Mounted Rifles, in Parsons' command.

Question. State whether you have ever seen the accused in connection with Price's army at any time, and where and in what capacity.

Answer. I have. The first I saw of him in Price's army was at Lexington. I never saw him before. I could not state in what capacity he was only from a handbill I saw at Lexington. The handbill spoke of him as colonel. He was authorized to arm and equip a regiment by General Price.

Question. While the accused was a prisoner at Lexington do you know of any arrangement made for his exchange? If so what and by whom?

Answer. I do not know of any such arrangement.

Question. How far from Grand Pass to your camp at Milford?

Answer. About forty miles as near as I can estimate.

By the JUDGE-ADVOCATE:

Question. Where and when did you first see the accused on or about the 19th of December, 1861?

Answer. Just before the surrender; 2 o'clock in the afternoon. I saw him about eighty yards in the rear of my lines coming from the direction of the creek. He was afoot to the best of my recollection.

Question. How many recruits did you get on your way to Milford from Grand Pass and how many at Milford?

Answer. I received two on my way from Grand Pass to Milford. I swore into the service three at Milford.

Question. By men sworn in and taken as prisoners do you or not exclude camp followers, sympathizers and citizens generally found in your camp?

Answer. I exclude them all when I say 684 prisoners sworn in were taken.

Question. How many of your men were armed?

Answer. I could not state the exact number but about 250.

Question. Do you know whether the accused had anything to do with the conference before the surrender or whether he was consulted in regard thereto?

Answer. He was not consulted in regard to it at all.

Question. Do you know the number of camp followers, sympathizers and citizens who were captured with your command or who were about camp the day of your surrender?

Answer. About fifteen or twenty which added to the 684 makes about 700 prisoners. This is about the number to the best of my recollection. Speaking of my men I mean all that were enrolled; some may not have been sworn in. I exclude negroes. The force was on its way to join Price.

The testimony of the witness was read to him by the judge-advocate and he then requested permission to add to his answer to question 5 by accused as follows:

In giving the names of my force to the commanding officer at McDowell's College Prison in Saint Louis I reported Colonel Magoffin as traveling with my command.

C. B. ALEXANDER, colonel, Missouri State Guard, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, age, rank (if any) and present condition.

Answer. Charles B. Alexander; colonel in Missouri State Guard; thirty-two; prisoner of war.

Question. Were you taken prisoner at Milford? What was your rank in command there? Who had chief command of the forces to which you belonged?

Answer. Yes, sir; lieutenant-colonel; Colonel Robertson had the chief command at Milford.

Question. Was the accused there? If so did he constitute any part of the forces to which you belong? Was he armed? Did he take any part on that occasion in consultation or action against the United States?

Answer. He was there, but did not constitute any part of the force. He was not armed. I did not see him take any part or know of his taking any part.

Question. State any knowledge you may have of the connection of the accused with the State guard.

Answer. He has been with them. I saw him at Carthage, or near there; don't recollect whether it was after the fight or before it and don't know whether he had any position or not or what capacity he was in. I was told at Lexington that he had a commission in the army. The accused himself told me that he had a commission. At Cassville I offered the accused the position as major in my regiment, either in the latter part of September or the first of October. He refused me telling me that it would conflict with his commission as a colonel in the army. He expected that some of his men would be there shortly, or that he would return to Pettis County to recruit. The last place I saw the accused was at Pineville in about the latter part of October or the 1st of November, on the road to Osceola.

Question. You say you were second in command at Milford. Did you ever report to any officer of the United States the accused as a colonel or as any part of the forces there taken?

Answer. No, sir; Colonel Robertson had the reporting.

Question. Do you know anterior to the prosecution or did you hear the accused say whether he had recruited forces for the army in the counties of Pettis and Saline?

(Objection to this question was made by a member of commission. The commission was cleared for deliberation and when the door was reopened the decision of the Commission was announced that the words "or did you hear accused say" should be stricken out.)

Answer. I understood that was the case, but I was not in Pettis County or among the recruits.

Question. Did you know Capt. E. H. Magoffin, the son of the accused? If so state whether he joined the army of Price; if so whether he carried a force with him and where did he join with his force.

Answer. Yes, sir; he did join the army of Price. He carried a company of men with him raised in Pettis County and joined the army near Fort Scott, near Dry Wood. He entered my regiment. This was in August as well as I recollect.

Question. Do you know about when it was that the accused was taken at Georgetown? State how long before or after the capture was it that Capt. E. H. Magoffin joined the army with his force raised in Pettis County.

Answer. I do not know the precise date. It was as well as I recollect near the 1st of August. It was some time about the middle part of August that the captain joined me. The capture of the father was before the joining of the son, as the latter told me of it on his way out.

Question. Did any other company from Pettis County join the army about that time?

Answer. Yes, sir; a company under Captain Staples; one under Captain McCarey.

Question. Did you know whether Colonel Price, the son of the general, was under orders raising recruits and supplies in the counties of Saline and Pettis just before the capture of accused at Georgetown?

Answer. Yes, sir; I knew that he was in Saline but don't know whether he was in the county of Pettis or not. I had a communication from Colonel Price while he was in Saline County.

Question. What was then your official position in the army of Price?

Answer. I was a captain in the army.

Question. Do you know officially as an officer in Price's army whether the accused was or not at that time recruiting and raising supplies for the army in connection with Colonel Price?

Answer. I can't answer that question positively; I do not know officially.

Question. Were you at that time yourself engaged in recruiting or furnishing supplies?

Answer. I was, sir.

Question. State whether in communications passing from officer to officer in the army of Price the accused was or not reported to be engaged in that service?

Answer. Yes, sir; he was reported to be engaged in that service. It was so reported by officers—that is in communications from Colonel Price to me as a recruiting officer.

By the JUDGE-ADVOCATE:

Question. When and where did you first see the accused on or about the 19th of December, 1861?

Answer. I first saw him on the evening before the surrender on the 18th some ten miles on the route from Grand Pass to Milford. He joined us at that time. The first I saw of him he rode up to the camp. The next time I saw him was at the surrender. I saw him a few minutes after the surrender or about that time.

Question. Was the accused under your eye during the whole action at Milford?

Answer. No, sir.

Question. How many unarmed recruits did you receive the day you were encamped near Milford?

Answer. I don't know as I received any. None reported to me.

Question. How many of your men were unarmed?

Answer. Between 300 and 400. They were close about there keeping behind trees and out of the way.

Question. How many camp-followers, sympathizers and citizens were in your camp near Milford besides the men regularly enrolled?

Answer. Well, sir, it was impossible to tell; there might have been 10, 15 or 20 or 100. They had no uniforms and only knew the citizens when roll was called.

Question. Do you know whether the accused took any part in or was consulted as to the surrender at Milford?

Answer. I do not, sir.

Question. Did you have any conversation with the accused at any time at camp near Milford or before your arrival there?

Answer. I think we had some little conversation on the first evening he came up to me. I have no recollection of the conversation other than asking how his wife was. He was not armed; had no gun—at least saw no arms about him.

The testimony given by the witness was read to him by the judge-advocate and he was dismissed.

WALTER ROBERTSON, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. State your name, age and present position.

Answer. Walter Robertson; thirty years; prisoner of war.

Question. Were you taken prisoner at Milford? In what capacity did you there act?

Answer. I was. I was acting as private secretary and temporary aide to my brother, the colonel.

Question. State whether the accused was armed at Milford; whether he constituted any part of the forces to which you belonged; whether he took any part against the United States on that occasion.

Answer. He was not armed to my knowledge; he was not armed during the fight. I saw him during the fight but not previously. He did not constitute any part of the forces that I know of; I saw him take no part against the United States. I was passing from one company to another from different parts of the field and saw him sitting on his horse—he was in the timber a little back rather to the rear of where the forces were stationed; when I saw him he was sitting alone to the best of my recollection. He was within 75 or 100 yards where a portion of our men was stationed. He was not armed; no gun.

The testimony given by the witness was read to him by the judge-advocate and he was dismissed.

The commission then adjourned to meet to-morrow, February 19, 1862, at 10 a. m.

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SAINT LOUIS, MO., *February 19, 1862—10 a. m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of yesterday were being read by the judge-advocate to the commission when at the suggestion of the commission and the accused the further reading was dispensed with.

SAMUEL H. BROWN, a witness for the defense, was duly sworn.

By the ACCUSED:

Question. What is your name, age, residence and rank (if any)?

Answer. Samuel H. Brown; twenty-nine years old; Pettis County, Mo., near Georgetown; no rank; am a farmer.

Question. If you know anything of a disturbance which took place in Georgetown in August last when a portion of the U. S. soldiers and home guards entered that village, state all that you know and as far as may be in the order in which it occurred.

Answer. I was in Georgetown the latter part of August and as I was leaving town (I had gone there for some physic) I discovered some armed men riding into town from the west. On discovering those men I rode back to meet them to see who they were. Found them to be Magoffin and some twelve or fifteen other men. I suppose them to be so; I did not count them. I understood that day before going to town that there were to be some Federal troops there that day. My mother was in town that day, and when I learned that Mr. Magoffin was there with armed men I went to her for the purpose of getting her to leave town before the Federal forces should get there. Just as she had mounted her horse the report was that they were coming (alluding to the Federal forces coming into town). I then told her to get off and run into a house, feeling that it was unsafe for her to start on horseback from the town at that time or to be on the street. I then hitched my horse to the court-horse fence. While hitching the horses Mr. Magoffin came to the corner for the purpose of getting his horse. Just as he was in the act of mounting three of the Federal officers, or men of the troops at least, turned the opposite corner of the court-house square—that is the northeast corner of square. As they turned a corner there was a pistol fired by one of them—I could not tell which—and about half way of the court-house square there was another fire. There were two shots nearly or quite together. I could not say the second fire was by the soldiers; I could not say by whom. At the time of those two fires when half way of the court-house square there was one of the Federals wounded or shot. This soldier who was shot at that time his horse turned to the left, the northwest corner of court-house square. Well, there was after or about the time he turned several shots fired. My attention was then attracted by a fourth soldier or officer (I don't know which he was) on horseback who was some thirty or forty yards in the rear of the other three. This fourth man as he turned the northeast corner his attention was attracted to the opposite corner by the firing (I suppose it was; I can't tell that), and he came along with his pistol presented right at that corner. I was standing there myself. This fourth man passed round the northwest corner. I went then to my mother who was still in the street and took her to the hotel. Then it was confusion pretty much after that. By that time there was 100 or more Federal troops in the town passing in every direction. I was standing at the northwest corner of court-house square when all this occurred—right at the corner; it might have been some six or eight feet south of the corner.

Question. Did you or not remain at your position at the northwest corner until you went to your mother and took her to the hotel?

Answer. I did. From the time I went there to hitch my horse until the fourth man passed I did not change my position.

Question. How far were you from the accused while you remained at the northwest corner?

Answer. I can't state that. I was at the time I saw those Federal troops not more than six feet from him.

Question. Did you or not see the accused fire?

Answer. I did not see him fire.

Question. Could you tell where—that is from what direction—the two shots nearly at the same time came?

Answer. One of them was to my left, a little in the rear, judging from the report. I only state that from the report. I should judge that the other came from the men—the soldiers.

Question. You say one of the reports came from your left and a little to the rear; which way were you facing them?

Answer. I was facing northeast; would be.

Question. Was the accused south of you on the cross street, or in what direction from you when you say he was in six feet of you?

Answer. When he was six feet from me he was immediately south of me.

Question. You say after the fourth soldier turned the northwest corner there was more firing; could you say whether they were pistol shots or gun shots?

Answer. I could not, sir.

Question. Did the accused mount his horse? When did you lose sight of the accused after you saw him go to his horse for the purpose of mounting?

Answer. He did not mount his horse. When he attempted to mount his horse his foot slipped or stirrup leather broke and he then fell back further into the cross street to my rear. I lost sight of him when he fell back. I saw Mr. Magoffin again as I was crossing the alley after I had taken my mother to the hotel. I did not see him again until he was arrested.

Question. Did you know whether the wounded soldier who turned the northwest corner had a pistol?

Answer. I can't say I know that he had a pistol. I picked up a pistol in the street myself between where I stood and this man who was shot. It was a large-sized revolver—a five-shooter I think. I did not examine it; have reason to believe it was the pistol of the man who was shot. I picked it up after returning from the hotel where I left my mother. I pointed it out to another soldier who asked me to hand it to him which I did. I remained in the street—that is going in and out of the doors and in the street—after I come back from the hotel. I did not wish to appear as hiding. I did not examine the pistol.

Question. Do you know whether or not when you saw accused crossing the alley any shots were fired at him?

Answer. I do not, sir.

Question. Were the men who came into town from the west armed, and did you see any other body of armed men that day in Georgetown except those men and the U. S. soldiers?

Answer. They were armed. No body of armed men.

Question. Did the accused have a gun?

Answer. He did, sir.

Question. Describe it; and did he have it when you saw him crossing the alley?

Answer. It was a double-barreled shotgun. I don't think he had it when I saw him crossing the alley. I would not be positive but I don't think I saw the gun.

Question. Were you present at the time the accused was taken in Kidd's Hotel? Were you present when the accused was carried before Colonel Day?

Answer. I was not. I was not present when the accused was carried before Colonel Day.

Question. Are you certain that the pistol-shot from one of the soldiers was the first fire made there?

Answer. That was the first firing I heard—that is as the soldiers were turning the corner.

Question. At the time of the pistol-shot—the first fire by one of the soldiers or just before it, or just after—did you hear anything said by the soldiers or any exclamation from them? If so what?

Answer. Just as they were turning the corner some one hallooed, "Here they are;" but don't know whether that remark came from the soldiers or some one else.

Question. How soon was the fire after that remark?

Answer. Well, it was a very short time.

Question. How many reports of fire-arms do you think you heard during the disturbance?

Answer. Well, sir, I could not say. There was a number of them—say fifteen or twenty shots. The most of the firing was in the western part of town.

Question. Did you ever hear the home guard utter threats against the life of the accused?

Answer. Yes, sir; on the day of this occurrence.

Question. Were any of the home guard there that day in uniform?

Answer. I can't answer that question positively.

Question. Have you been engaged in raising a company for Colonel Hughes' regiment?

Answer. Yes, sir; I have been recruiting—attempting it.

Question. Do you know whether the accused was prior to this disturbance engaged in recruiting soldiers for Price's army?

Answer. Only from general rumor. It was understood through the county that he was—in the community.

Question. State what are your feelings and opinions upon the question of Union or disunion.

Answer. I am decidedly Union.

By the JUDGE-ADVOCATE:

Question. What was the distance where you stood from the north-east corner of court-house square.

Answer. I suppose it is eighty yards.

Question. At whom was the first pistol-shot to which you allude fired?

Answer. Well, sir, I could not say at whom it was fired. It was fired up the street at I suppose the men in Main street.

Question. Did you hear the report of two guns?

Answer. Yes, sir; I heard two reports at the same time—very nearly the same time; but could not say whether they were gun reports or pistol reports.

Question. Did you hear one or two reports in the rear of you?

Answer. Well, sir, I heard one report as I remarked to my left in the rear, and the fourth report—that is immediately after I heard the two reports nearly together—to my left, but not in my rear but in the cross street. I judge altogether from the sound.

Question. Of the two reports heard nearly together could you tell which you heard first—the one in your rear or the one in front of court-house square?

Answer. Well, sir, the one in my rear; that is my impression. I could not say positively but that is my impression.

Question. Were the home guard around Georgetown uniformed at the time of this occurrence or before it?

Answer. Some of them were.

By the COMMISSION:

Question. At the time of the firing on your left and rear how many armed men were near you; and if any how far from you?

Answer. Well, sir, the only armed men I saw near me was the three Federal troops and the one that came up in the rear of them. Those three men could not have been more than forty yards from me. The other man was forty yards behind the other

three. Those were the only armed men I saw. Three of them were passing at full speed; the other more leisurely. My attention was directed to the main street. Knowing that Mr. Magoffin was near me my attention was directed to the main street.

Question. When you saw the accused at the northwest corner of the court-house square was he armed; if so how?

Answer. He was armed with a double-barreled gun.

By the ACCUSED:

Question. The fourth report you speak of, could you say whether that was from a pistol or gun?

Answer. I believe it was from a gun.

There being no further questions to propose to the witness the testimony he had given was read to him by the judge-advocate and he was dismissed. The examination on the part of the defense was here closed.

With a view to give the accused time to prepare his defense the commission at the request of the accused adjourned to meet to-morrow, February 20, 1862, at 12 o'clock.

—

SAINT LOUIS, MO., *February 20, 1862—12 m.*

The commission met pursuant to adjournment, all the members present with the exception of Lieutenant-Colonel Fischer.

The accused, Ebenezer Magoffin, also present.

The proceedings of yesterday were being read to the commission by the judge-advocate when at the suggestion of the commission and the accused the further reading was dispensed with for the reason that the proceedings, being composed entirely of the testimony of Samuel H. Brown, were read to the commission and to the witness just before the adjournment yesterday. The accused then presented his written defense marked H and attached to these proceedings, and which was read by his counsel. The commission was then cleared for deliberation, and having maturely weighed and considered the evidence adduced find the accused, Ebenezer Magoffin, as follows:

Of the specification, first charge, not guilty.

Of the first charge, not guilty.

Of the specification, second charge, guilty.

Of the second charge, guilty.

And the commission does therefore sentence the said Ebenezer Magoffin, of Pettis County, Mo., two-thirds of the commission voting therefor, to be shot to death at such time and place as the commanding officer of this department may direct.

D. S. STANLEY,
Brigadier-General, U. S. Volunteers.
RICH'D D. CUTTS,
Colonel, U. S. Army, and Judge-Advocate.

Findings and sentence approved.

The sentence will be carried into effect at such time and place as shall be hereafter designated by the general commanding the department. In the meantime the prisoner will be confined in a cell of the military prison at Alton.*

H. W. HALLECK,
Major-General.

* Magoffin subsequently escaped.

A.

I respectfully submit that the plea to the jurisdiction of the court ought to be sustained for the reason that by the Constitution and laws of the land this commission has no right or authority to subject me to trial or punishment for the offense set forth in the specification under charge 1. In the examination of the question raised by the plea it may be assumed that this is not only in form but in fact a government of law, under a written constitution, and the life of no citizen ought to be or can be legally forfeited except in obedience to or by the authority of law. I do not propose to abuse the liberty accorded to me of offering argument in support of the plea by discussing right of arrest during an insurrection or rebellion, or martial law, or any kindred subjects, but shall confine myself as closely as possible to the particular question under consideration.

I, a citizen of the United States, and an inhabitant of the State of Missouri, one of the United States, in a district where the laws of the State are in force and can be executed, am called upon to answer to the charge of murder, not before the judiciary department either of the United States or of the State of Missouri, without presentment or indictment, without a jury and beyond the judicial district in which the offense is alleged to have been committed. Against the exercise of this power I hold up the Constitution of the United States and claim its protection. Article V declares "that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in active service in time of war or public danger." It will be perceived that the only cases excepted are those arising in the land or naval forces of the United States or in the militia; and it will not be pretended this case arose in the land or naval forces of the United States. I was never in either nor in the militia. But even in cases arising in the land or naval forces it would not be competent for a military commission to punish for a capital offense without some law to justify it, and therefore by section 8, Article I of the Constitution it is declared that "Congress (and Congress alone) shall have power to make rules and regulations for the government of the land and naval forces." The offense charged against the undersigned is not embraced in any such rules and regulations, or in the rules and articles of war. The jurisdiction then of the commission is not conferred either by the Constitution or laws of the United States. Where shall we look for it? It may be in the order of the general commanding in this department. But from whence does he derive his authority? If legitimate it must be from the Constitution and laws. If not derived from that source it is respectfully submitted that it is a usurpation of authority that no one either officer or private in the army or out of it is bound to obey. In the brief interval since the adjournment yesterday no opportunity has occurred to examine the general orders of the commandant of this department; yet it is believed that they do declare that the courts (loyal) are not and will not be suppressed but that they will be in aid of the military, and restricts the enforcement of martial law to the city of Saint Louis, the railroads and rivers of the State. I know that the argument offered to sustain the power is "that the life of the Government is in danger; we cannot afford the protection of law to traitors; that necessity is above all law and the safety of the people is the only law." In American history these are new doctrines, and if they be

true then this Government is an absolute despotism. Charles I. of England thought it necessary to issue commissions to try not only soldiers but other dissolute persons who might commit murder or other outrages, but the Commons of his realm compelled a revocation of such commissions, saying that no man ought to be "judged to death but by the laws established in the realm," and such commissions for the trial of civilians have not existed it is believed either in England or America from the time of Charles to this hour. If I have committed an offense against either the laws of the State of Missouri or of the United States I admit that I may be lawfully called to answer if need be with my life. At the very point where I now am and at the very point where the offense is alleged to have been committed the courts of both the State and Federal governments are open and free with full power and ability to try and punish all offenders. But suppose they were not; suppose an insurrection or rebellion swells into such strength in any district as to defy the ordinary civil tribunals—is the Government then powerless? Must it submit? The answer is it must draw the sword and enforce its authority by the sword. But it by no means follows that military commissions shall issue to try persons not in the land or naval forces for murder or other offenses. The powers of the Government in the case of insurrection and civil war were very fully and ably discussed in the case of Luther *v.* Borden and others (the Dorr Rebellion in Rhode Island) by the Supreme Court of the United States. The Chief Justice acknowledges the power to arrest but by no means admits the power of the military to try and punish for offenses. It is said "the officers engaged in its military service might lawfully arrest anyone who from information before them was so engaged in the insurrection." No more force, however, can be used than necessary to accomplish the object (8th Howard, p. 46). The undersigned submits that if the offense with which he is charged can be tried by this commission then any killing whether of soldier or civilian at any point in the State of Missouri may be so tried. Nay, more, that any offense committed in the State may be punished at the discretion of the commission; and if it can be done in Missouri in virtue and by authority of a general order of the commandant of the department so it may be done in New York; and thus it will be determined that during a civil war all civil government may be rightfully suppressed at the discretion of a subordinate military officer, and in place of it a military despotism established, at least during the existence of such civil war. Against such doctrines the undersigned pleads and protests. In the examination of this question it should be remembered that there is a vast difference between a war waged against a foreign people and the military authority of the nation in arms to suppress an insurrection or to put down a rebellion of our own people.

Before General Scott started to Mexico in 1847 as early in fact as May, 1846, he presented for the consideration of the Secretary of War a project for a law giving to courts-martial in an enemy's country authority to punish offenses which in the United States are punishable by the criminal courts of the land. Congress did not, however, act upon the recommendation, and General Scott afterward, in 1846, submitted to Mr. Marcy, Secretary of State [War], the draft of a letter which he recommended should be dispatched each commander of an army operating in Mexico. "I am aware," said he, "that it presents grave topics for consideration, which is invited. It will be seen that I have placed all necessary restrictions on martial law: first, by restricting it to a foreign hostile country; second, to offenses enumerated with some

accuracy; third, by assimilating councils of war to courts-martial; fourth, by restricting punishments to the known laws of some one of the States of the Union." This project met with no favor from the President. General Taylor in October, 1846, informs the Secretary of War of the "most shameful atrocities" being committed without punishment, and he asks for instructions as to the proper disposition of the culprit in a case of cold-blooded murder at Monterey. Mr. Marcy replied:

The competency of a military tribunal to take cognizance of such a case as you have presented, viz, the murder of a Mexican soldier and other offenses not embraced in the express provisions of the articles of war, was deemed so questionable that application was made to Congress at the last session to bring them expressly within the jurisdiction of such a tribunal, but it was not acted upon.

He adds:

I am not prepared to say that under the peculiar circumstances of the case, and particularly by the non-existence of any civil authority to which the offender could be turned over, a military court could not rightfully act thereon; yet very serious doubts are entertained upon the point and the Government does not advise that course. It seriously regrets that such flagrant offender cannot be dealt with in the manner he deserves. I see no other course for you to pursue than to release him from confinement and send him away from the army and this is recommended. (See Military Dictionary, Scott's, 659 and 660.)

Now nothing is clearer than that the rules and articles of war went with our army in its invasion of Mexico. If they did not provide for the trial by a military tribunal of an American soldier who in a foreign country murdered a Mexican soldier in cold blood how can it be that in the United States where the civil tribunals have exclusive jurisdiction of such offenses that a military tribunal can claim to try a citizen for the murder of a soldier? This view is enforced by the celebrated Order No. 287, issued by General Scott on the 17th of September, 1847, from the National Palace in Mexico. (See Scott's Military Dictionary, p. 383 *et seq.*)

Under the head "Law," page 382, I submit to the court the following extracts:

Within the United States therefore the effect of a declaration of martial law would not be to subject citizens to trial by courts-martial, but it would involve simply a suspension of the writ of habeas corpus under the authority given in second clause of section 9 of the Constitution, viz: "The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it." The suspension of this privilege would enable a commander to incarcerate all dangerous citizens, but when brought to trial the citizen would necessarily come before the ordinary civil courts of the land. (Page 383.)

There is not perhaps a finer military statute on record, and its author bases his right to establish military tribunals for the trial of offenses exclusively upon the ground that he is in a foreign country and out of the reach of the civil tribunals which in a government of law and order would have exclusive jurisdiction over them. So reluctant was General Scott to encroach upon the action of the civil tribunals of Mexico that in section 13 of his order he provides:

That the administration of justice both in civil and criminal matters through the ordinary courts of the country shall nowhere and in no degree be interrupted by any officer or soldier of the American forces except, first, in cases to which an officer, soldier, agent, servant or follower of the American Army may be a party; second, in political cases—that is prosecutions against other individuals on the allegation that they have given friendly information, aid or assistance to the American forces. (See p. 385, Scott's Dictionary.)

This is a proceeding not under martial law but military law, and it is settled even in England that the military law does in no respect

either supersede or interfere with the civil law of the realm and the military is in general subordinate to the latter. (Tyler on Military Law, 365.) The Articles of War do not provide for such a case for they are confined strictly to military matters even on a soldier himself, and cannot be exercised even against a soldier by an officer except in such matters and about which the officer has the right to order him. So zealous has been England in such cases that Governor Wall was executed in England after the lapse of twenty years for flogging (so that he died) a soldier for an offense not military, and by a pretended court-martial not full. If I have been guilty of the offense charged I have violated the law of this State, and am amenable to the judgment of the court which by the Constitution is appointed to take jurisdiction of my case. If I am cleared of this charge by this tribunal the acquittal here will not aid me before the State court. If I am acquitted I cannot plead the acquittal in bar of an indictment found by a grand jury of Pettis County.

Lastly the charge in substance is murder. Now by what standard can this tribunal determine the offense? By the law of this State murder is divided into two degrees, and manslaughter into four. By the criminal court of the United States there is no division of murder or of manslaughter. Will this court make its standard the law of the United States? The United States cannot take jurisdiction of any homicide unless it be committed in a place over which it has exclusive jurisdiction such as forts, dockyards, arsenals or in the Indian country. Congress has no power to provide for a homicide committed in a State. The subject belongs exclusively to the municipal power of the State. Will this court make its standard the law of the State? This tribunal is no State tribunal; it belongs to no department of power of this State. The State has no power to create this tribunal.

If I have in my comments upon the power and jurisdiction of the commission in any respect overstepped the limits accorded to me I crave the indulgence and pardon of the commission. The position in which I am placed is without precedent in this Republic; and I may without a blush acknowledge my embarrassment and inability to discuss satisfactorily the great principles involved in my case in the brief time allowed to me.

Respectfully submitted.

EBENEZER MAGOFFIN.

B.

HEADQUARTERS FIFTH DIVISION,
Sedalia, Mo., December 14, 1861.

Whereas, Ebenezer Magoffin, formerly a colonel in the Army of the Southern Confederacy, has given his parole of honor that he will not in any manner by word or deed aid, assist or give countenance to the enemies of the United States Government; and whereas, by order of General Halleck said Magoffin is to be permitted to remain at home or vicinity in the quiet unmolested pursuit of his usual peaceful occupations, I therefore order all officers and soldiers of the U. S. Army to give him protection, and by this safeguard he is protected in person and property so long as he remains in the quiet pursuit of his ordinary business in same manner as other loyal citizens of the United States.

By order of Col. F. Steele, commanding Fifth Division, Army of the West:

E. B. BROWN,
Lieutenant-Colonel, Quartermaster and Acting Aide-de-Camp.

C.

PRAIRIE LEA, [*December*] *16, 1861.*

Doctor HUGHES.

DEAR SIR: You were at my house last night and left with me a written pass. Previously I had accepted one which does not expire until the 20th day of this month. It was understood that I had until that time to deliberate the proposition made by Colonel Brown and yourself concerning the parole. I am deeply grateful to you both for the kindness you have shown me; it was generous and disinterested. But reliable information has reached me to-day from two sources that a conspiracy has been made to assassinate me in my home. Reluctantly I am compelled to leave it again. I therefore send you back the pass you left with me. I cannot accept it. I must express again my sincere gratitude to yourself and Colonel Brown for your kindness, and regret that circumstances have frustrated your friendly purposes and that I am compelled to leave a young and helpless family to the mercy of my enemies.

Truly, your friend,

E. MAGOFFIN.

D.

In reply to the notice received by me from Col. R. D. Cutts, judge-advocate, to produce for the purpose of evidence the first written safeguard issued by Colonel Brown, I have to say that the paper is not in my possession or power and I am unable to produce it. It was not delivered to me by Colonel Brown and I am not certain that I ever saw it. If I ever had it it was lost among other papers of mine. My perturbation of mind at the period when the paper was written and the affliction which followed were such as to render me uncertain whether I ever saw it.

EBENEZER MAGOFFIN.

E.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, December 23, 1861.

Capt. J. C. KELTON,
Assistant Adjutant-General.

CAPTAIN: I have the honor to report that having replaced by troops from La Mine the garrison of Sedalia I marched from that place on Sunday, the 15th instant, with a column of infantry, cavalry and artillery numbering about 4,000 men.

On the morning of the 18th Lieutenant-Colonel Brown's forces rejoined the command. Knowing that there must still be a large force of the enemy north of us I moved slowly on the 18th toward Warrensburg, and when near that town the spies and scouts I had sent before marching from Sedalia in the direction of Lexington, Waverly and Arrow Rock reported to me that a large force was marching from the two latter places and would encamp that night at the mouth of Clear Creek, just south of Milford. I posted the main body of my command near Warrensburg and Knobnoster to close all outlet to the south between those two points and dispatched seven companies of cavalry, five of the First Iowa and two of the Fourth Regular Cavalry, after-

ward re-enforced by another company of regular cavalry and a section of artillery, all under command of Col. J. C. Davis, Indiana volunteers, to march on the town of Milford so as to turn the enemy's left and rear and intercept his retreat to the southeast, at the same time directing Major Marshall, with Merrill's regiment of horse, to march from Warrensburg on the same point turning the enemy's right and rear and forming a junction with Colonel Davis. The main body of my command occupied a point four miles south and ready to advance at a moment's notice or to intercept the enemy's retreat south.

Colonel Davis marched promptly and vigorously with the forces under his command, and at a late hour in the afternoon came upon the enemy encamped in the wooded bottom-land on the west side of Blackwater opposite the mouth of Clear Creek. His pickets were immediately driven in across the stream, which was deep, miry and impassable except by a long narrow bridge which the enemy occupied in force as is believed under Colonel Magoffin. Colonel Davis brought forward his force and directed that the bridge be carried by assault. The two companies of the Fourth Regular Cavalry being in advance, under the command respectively of Lieutenant Gordon and Lieutenant Amory, were designated for that service and were supported by the five companies of the First Iowa. Lieutenant Gordon, of the Fourth Cavalry, led the charge in person with the utmost gallantry and vigor, carried the bridge in fine style and immediately formed his company on the opposite side. He was promptly followed by the other companies. The force of the enemy posted at the bridge retreated precipitately over a narrow open space into the woods where his whole force was posted. The two companies of the Fourth Cavalry formed in line at once, advanced upon the enemy and were received with a heavy volley of small-arms, muskets, rifle and shotguns. One man was killed and eight wounded by this discharge, with one exception all belonging to Company D, Fourth Cavalry, Lieutenant Gordon. Lieutenant Gordon himself received several balls through his cap. Our forces still continuing to press forward and the enemy finding his retreat south and west cut off and that he was in presence of a large force and at best could only prolong the contest a short time surrendered at discretion. His force reported by the colonel commanding consisted of parts of two regiments of infantry and three companies of cavalry, numbering in all 1,300 men, among whom there were three colonels (Robertson, Alexander and Magoffin), one lieutenant-colonel (Robertson) and one major (Harris) and fifty-one commissioned company officers.

* * * * * * *

I am, captain, your obedient servant,

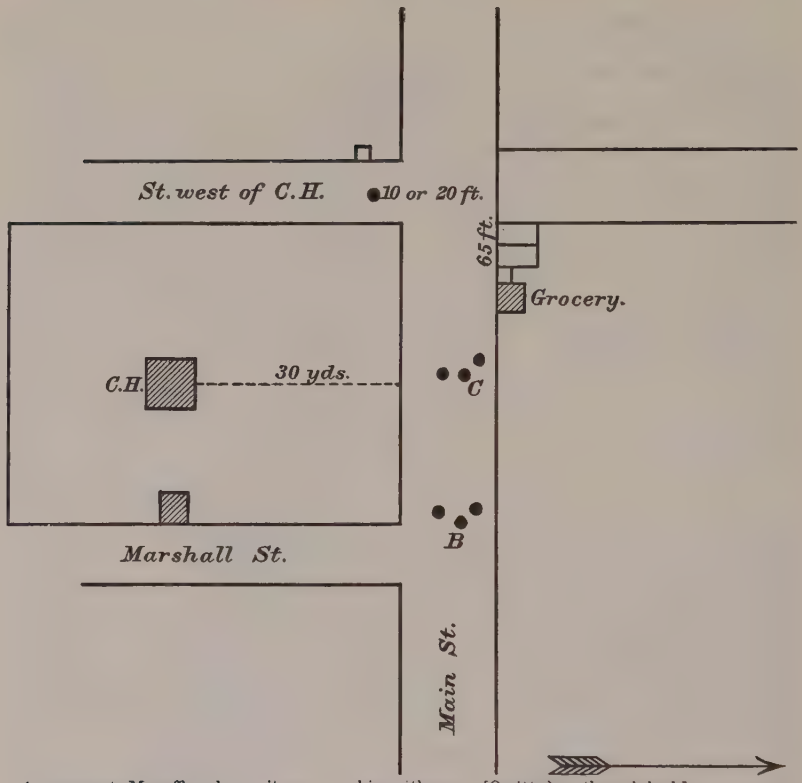
JOHN POPE,
Brigadier-General, Commanding.

F.

The accused objects to the paper read by the judge-advocate purporting to be an attested copy of an extract from the official report of General Pope to the [assistant] adjutant-general, Kelton—first, because it purports only to be an extract; second, because it is not evidence of the facts therein stated; third, because it is ex parte and can not be evidence against the accused; fourth, because it is only competent testimony to prove the fact that General Pope made a report.

E. MAGOFFIN.

G.



A represents Magoffin when witness saw him with gun. [Omitted on the original.]
B Soldiers when first seen.
C Soldiers when fired at.

H.

MR. PRESIDENT AND GENTLEMEN, OFFICERS OF THE COMMISSION: With your leave I now propose to present in brief some considerations in defense against the charges upon which I have been arraigned before you. Whatever may be the result of this trial, whether for me or against me, the investigation is a personal benefit in so far as it has enabled me to free myself from a portion at least of that wholesale and widespread defamation which for a long time has assailed my character as a soldier and a gentleman. I cheerfully admit that this commission at every stage of the trial has evinced a marked disposition to grant me every facility in its power to make and prepare my defense. But it is nevertheless true that I have labored under peculiar difficulties.

The first charge and its specification deny to me the character of "a legitimate belligerent." I find myself cut off by the absence of witnesses beyond my control or the control of this tribunal from testimony which would directly and unequivocally establish my status in the army in rebellion against the United States. These witnesses, embracing the highest officers from Governor Jackson and General Price down, are out of my reach and beyond the summons of the judge-advocate. I have

therefore been reduced to the necessity of resorting to subordinate, indirect and circumstantial evidence to prove affirmatively a fact which I thought too notorious to be gravely questioned. I have been connected with the State Guards from the period of the first call by governor Jackson. So soon as I read his proclamation I repaired to Jefferson City and was there ordered and instructed by him to raise a regiment of cavalry to act as scouts in conjunction with Major Staples, then of Georgetown, but now an officer in the Confederate Army in Virginia. This regiment was to be subject to the order of the governor. The force was raised by Major Staples and myself immediately and marched to Boonville under the command of Major Staples, I being detained by the sudden illness of my wife. I joined the retreating State forces before they reached Carthage, fought in that battle and acted in the capacity of aide to Governor Jackson. I was then ordered to return by the governor to raise recruits for the State. He declined giving me any written orders or dispatches on the ground that I might be captured by Sturgis whose position on the Osage was pointed out to me by him, as also that of Lyon. On my arrival at home which was in a few days I at once commenced recruiting in the counties of Pettis, Saline and Cooper which adjoin, and also in Missouri north of the river I raised a company headed by Captain White. At first, when the force amounted to less than 300 men, I was elected its major, and afterward upon the increase of the body I was elected colonel. I was at the same time under the instructions of Colonel Price engaged in raising supplies. The men and the supplies raised by me were to start for the army on such day as Colonel Price should order the march. The men raised by me with the exception of Captain White's company went under the orders of Colonel Price, and I should have gone with them but for the fact that I was summoned as a witness to Fort Leavenworth in behalf of Mr. John J. Jones in a suit of great importance which detained me four or five days.

On my return home all of my recruits had marched with the exception of twelve men, part of Captain White's company, who were waiting the arrival of the balance of the company across the Missouri River. The next day after my return I carried these men to Georgetown with the view of furnishing them some supplies which they needed. My capture at that village followed and I was carried as a prisoner to Lexington. On the fall of Lexington I was at once commissioned by General Price a colonel with instructions to raise a regiment of infantry and began recruiting on the spot. I recruited many men. Some of the recruits were cut off by the U. S. forces before they joined the army. I was with the army from that period until the intelligence came of the illness of my wife when I received a permit to return home, but with instructions to continue recruiting as soon as the health of my wife would enable me to do so. The leave of absence and the instructions were given to me by General Price in person. But for my capture I should have been at the battle of Dry Wood, and at Lexington an assailant not a prisoner. This in brief is a true history of my connection with the army. I have never been other than a legitimate belligerent. I am and have ever been opposed to guerrilla warfare. I have never engaged in it nor given it the slightest countenance. My influence and my actions have been to put down marauding or bandit war. No living man can truly charge me with having conducted hostilities in a manner unbecoming a soldier or a gentleman. I used my influence to have disbanded the camp at Blackwater organized for self-defense against the home guards, and many men thus disbanded were

recruited by me into the regular service of the State. The commission will readily see how much of this history is supported by the evidence.

I proceed to notice the first charge: "Killing in violation of the laws of war."

The first averment necessary to support the charge is that I was not a legitimate belligerent. I suppose the rule to be in this tribunal as elsewhere that the prosecution must prove the charge—prove it clearly. Has this been done? The proof offered by the prosecution consists, first, in showing that I was not in uniform—wore no military badge to distinguish me from a civilian. Such proof would make illegitimates of more than half of all soldiers now in arms against the United States. It would prove that our fathers who fought at Concord and Lexington and Bunker Hill were illegitimates, not to mention the home guards. Second. The testimony of Colonel Day, who represents me as disclaiming any connection with the army when I was a prisoner surrounded by infuriated home guards and some of his cavalry soldiers who were clamoring for my blood to be shed there by them and he using his best exertions to prevent the deed. Out of this moment of violence, confusion and fury comes the only direct evidence which the prosecution offers to give color to the charge. According to all writers this is the weakest of all evidence known to the law. Starkie says of it:

> Of all kinds of evidence that of extra-judicial and casual observations is the weakest and most unsatisfactory. Such words are often spoken without serious intention, and they are always liable to be mistaken and misremembered and their meaning is liable to be misapprehended and exaggerated. A hearer is apt to clothe the ideas of the speaker as he understands them, and by this translation the real meaning must often be lost. A witness too who is not entirely indifferent between the parties will frequently without being conscious that he does so give too high a coloring to what has been said. (Starkie's Evidence, vol. 1, page 461, top side page 462, and note.)

That Colonel Day can be mistaken is a very patent fact developed by the testimony. His mistakes are numerous of things more palpable than words uttered amidst a scene of uproar and confusion. I would not I do not impeach the integrity of the witness. At that scene and at another in Sedalia he was under the dominion of feelings which pushed him into improprieties of speech and bearing toward me which I am sure his calmer judgment does not approve. But while these feelings were eminently calculated to cause him to misjudge, misinterpret and misunderstand me I am not willing to believe that he has sworn to any intentional error. He was, however, mistaken—unequivocally mistaken. No human being ever heard me deny my connection with the army. I was a rebel on principle; never did disguise the fact and do not now. In the unhappy civil feud of my country I took sides from the outbreak of rebellion in this State and all men who know me know my position. I may have said to Colonel Day that I had no commission—that is no documentary evidence of it—in the Missouri State Guard. I might with truth also have said I had no place in the Confederate Army for at that time I had never seen any of the Confederate Army in this State. But beyond that all is error and misunderstanding on the part of Colonel Day.

Opposed to this evidence I have affirmatively shown the following facts:

First. I was in the battle of Carthage. Received prisoners and acted as aide to General Jackson. This battle was fought about the 10th of July.

Second. In August and in the month of July I was recruiting in the counties of Pettis, Saline, Cooper and across the Missouri.

Third. I raised a force of between 200 and 300 men, and part of that consisting of three companies marched and joined the army of Price in August.

Fourth. I was elected major by that force after it was raised. I have not been able to prove that I was elected colonel by it after its increase.

Fifth. Colonel Price in August had been sent in to raise recruits and furnish supplies. He was a colonel in the army of General Price. Captain Alexander of the army was engaged in the same service. In communications between Colonel Price and Captain Alexander, addressed to the latter as recruiting officer, Colonel Price recognized me as a recruiting officer of the army and stated the theater of my operations.

Sixth. Colonel Day testifies that among the officers of the United States at Jefferson City the fact of my connection with the army was notorious and that was the reason why I was not on the list of marked persons to be arrested while on the march of his detachment to Lexington.

Seventh. While a prisoner at Lexington negotiations for my exchange for prisoners held by General Price took place and the U. S. officer, Colonel Marshall, objected to the exchange on the ground that I was in arms against the United States and was therefore no fair exchange for civilians.

Eighth. So soon as my liberation took place a commission of colonel of an infantry regiment was given me and I at once entered upon the new service and was with the army of Price till summoned back by the extreme illness of my wife.

Ninth. On the day of my capture at Georgetown I had still under my command a portion of the recruits raised at the period when Colonel Price was in [*sic*], and when my name as a recruiting officer was mentioned in the communications official between him and Captain Alexander.

Tenth. It was notorious that I was connected with the army as recruiting officer at Georgetown and Sedalia among civilians and soldiers.

Eleventh. Colonel Hughes establishes the fact that the recruits I had raised were encamped on my own land in force so large that a force of 500 men were detailed to capture my command.

The actual exhibition of a paper commission is not essential to the status even of an officer in the army, though it constitutes when accessible the highest evidence of the fact in a regularly organized army. It will be remembered by the commission that at Boonville and Carthage there was no regular organization of the forces in rebellion—scarcely more than existed at Concord or Lexington on the outbreak of the Revolution. The evidence to establish the status of officer or soldier must have respect to the character of the force raised and its organization. The battle of Carthage was as I have said on the 10th of July. The amount of service rendered by me from that period to the affair at Georgetown, embracing a little more than forty days, shows that I was no idler. Even up to the present period I suppose the organization of the rebel army in this State is imperfect. I submit that the proof does not clearly or satisfactorily show that I was not a legitimate belligerent.

The second averment in the specification is that the killing was "wanton and malicious." This is wholly unsupported by the proof. The attack was made by Federal soldiers; they began the firing. The proof

is overwhelming to that fact. There is a conflict of proof among the three witnesses for the prosecution—Satterwhite, Simpson and Colonel Day—as to the circumstances under which the firing occurred, while every witness in the cause is in conflict with the testimony of Colonel Day. Satterwhite says there were two reports of fire-arms, though he saw but one. Simpson says there was but one and he saw it all. Colonel Day admits more firing. The statement of Colonel Day of a body of armed men, fifteen or twenty in number, chased for one-half a mile or three-quarters of a mile on the road leading to Sedalia is not only without support but against the testimony of every witness in the cause. No such body of men was seen that day at or near Georgetown. The men under my command entered the town from the west an hour before the entrance of the Federal soldiers and they had not left it when the cavalry entered it. He is obviously mistaken as to the point at which his soldiers and himself entered the town. The conjoint testimony of Thompson, Sanders and the two Browns establish (if human testimony can do it) two facts: first. that the attack was made by the Federal soldiers; second, that they were first to begin the fire. It is equally clear that the charge of firing was at me and my command. A firing in defense of such attack cannot be called either wanton or malicious without a flagrant abuse of language. It was not done in "wantonness," for homicide except for justifiable cause is abhorrent to my nature. It was not done in "malice" for I did not know him nor had I ever seen him or heard that he had done me or mine previous wrong.

Some injustice has been done me unintentionally by a misapprehension of Colonel Hughes in regard to our conversation at Sedalia when he kindly visited me while under guard. He did not ask nor did I give him a detail of the circumstances that transpired at Georgetown. He says he took it for granted that I took it for granted he, Colonel Hughes, knew all about the circumstances. Our conversation as he says was constrained, being in the presence of an officer. At one period of his testimony he says that I said, "I would not have shot if I had thought they were U. S. troops or soldiers." Again in repeating the conversation he says I said, "I would have surrendered if I had thought they were U. S. soldiers." Here is a double misapprehension. As to the shooting I told him distinctly (as he admits) that I shot in self-[defense] to save my own life. The other phrase, "surrender," had no reference to the shooting whatever. It had exclusive reference to the scene in Kidd's Hotel. I had gained the attic of the hotel and was pursued by a crowd. I was armed with a revolver and they could not reach me without peril to the lives of six of them. I thought it was their purpose to kill me on the spot, and I had resolved to die there selling my life as dearly as I could. They told me to come down. I refused and they did not think proper to ascend to me. I refused to surrender to them without an express understanding that I was to be treated as a prisoner of war and protected from violence. They at last agreed to my terms. Now the idea I attempted to convey was not that I would have surrendered to the U. S. soldiers on their entrance or dash into the town—not at all, for I never thought of such a thing—but that when approached in the attic I would have readily surrendered there without resistence if I had been dealing exclusively with U. S. soldiers for from them I did not anticipate violence. This misapprehension has led to the inquiry by the president of the commission and the judge-advocate whether at that time the home guards were in uniform. If my words had been understood in their proper context it is obvious the inquiry could have no significance. If it shall be held

otherwise it appears from the proof that some of the home guard were in uniform before that period; but I had been away recruiting and at Leavenworth and had not seen a home guard for a long time, so that in fact I did not know whether they wore uniform or not. It was my first visit to Georgetown for a long time and it was the last I expected to make for some time to come, as my purpose was to leave for the army with my recruits. Of course I expected a larger force than had appeared at the time I shot. I had been informed by my men who went to look from the top of the court-house of a big dust coming in the direction from Sedalia. When so informed I sent two scouts on horseback to the brow of the hill which overlooks the Sedalia road for accurate information. Besides I could not conceive of an attack which embraced only three or four assailants. My expectations are justified by the actual proof of a large force.

I think I may fairly claim from the commission an acquittal of the first material averment of the specification to the first charge. If I was a legitimate belligerant I had the right according to all the laws of war to repel such attack when made. If I was not a legitimate belligerent the right of self-defense is not denied to a civilian. In either case the shooting by me was neither wanton nor malicious.

The third material fact averred in the specification is the "killing of George W. Glasgow, a sergeant," &c. There is no proof in the cause establishing the given name of the soldier who was killed. In the civil courts of the country the absence of such proof would be fatal to the prosecution. I know not how a military commission acts in such case; but I cannot stoop to any technical defense. My life has been manly and shall be so to the end. I put my defense to this charge on higher grounds. If my shot killed the sergeant—a fact which I do not know and perhaps never will know—I insist that I killed him in conformity to the laws of war and the universally recognized laws of self-defense.

The second charge touches me more nearly than the first for it involves my honor which I hold dearer than my life. I have lived to the age of ———, and no human being can truly say that I ever knowingly forfeited my word.

Second charge: Violation of parole. The first material averment of the specification necessary to support the charge is that "on about the 10th day of December I gave my parole of honor not to resume arms against the Government of the United States in consideration of having received a safeguard dated the 10th day of December." Is this averment supported by the proof? It is not pretended that this alleged parole was given at any other place or time than at the house of Colonel Hughes on the interview between Colonel Brown and myself on the night of the 9th of December. The only two witnesses introduced by the prosecution on this subject were Colonel Brown and Colonel Hughes. They are both gentlemen of the highest integrity and they are at substantial variance on the point in question. Colonel Brown says I gave my parole. "I took his verbal parole that he would not in the meantime take up arms against the United States nor give information to the enemy." Colonel Hughes says with equal affirmation that I gave no verbal parole and with marked emphasis he says that he was present and heard the whole conversation between Colonel Brown and myself from the time the subject was broached to its close. It will be remembered that no safeguard was written at that interview. A practical safeguard to my home was furnished by both gentlemen who conducted me in safety to my wife. Colonel Hughes did not know what a parole was. He confounded it with a wholly different thing—a passport or

safeguard granted by a military officer in authority, which may or may not be the consideration of a prior parole or promise made to the officer by the recipient of the safeguard. The one is a promise made the other a privilege granted, and they may be dependent or independent of each other. When the nature of a parole was explained to the witness by the president of the commission he at once declared that no such promise was made by me at that interview.

If I could settle this variance of the two respectable and honorable gentlemen by any memory of mine in that interview I would do it no matter what peril to me might follow. But I cannot. My mind was in a paroxysm. In the whirl of the soul which then stirred me I remember only two prominent ideas—one was a burning wish to see my dying wife, and as to another matter they presented to me about an arrangement with the Government time was given me to make up my mind. I was consciously incapable of connected thought—I think they said ten days. If anything passed there beyond the privilege to see and be with my wife and the further privilege of ten days to determine my future course it made no impression upon me that survived the moment. I know I felt grateful to the Government officers for the generous kindness they evinced for me in deep dejection of soul—the deepest of my life. It was as unexpected as it was kind, for I had given up all hope of such favor except upon a condition impossible for me—that is a precedent oath of allegiance to a government from which I rebelled on principle and a conscientious conviction of duty. Hence I took the peril of the fire of sentinels and pickets to snatch momentary interviews with my wife. This much I will say that no consideration could have induced me to take up arms against the Government while I was receiving so great favor from it. I will say also that if Colonel Brown asked me whether I in the meantime—that is while I was permitted to stay at home—or during the period of time allowed me to make up my mind as to what arrangement I would make with the Government would agree not to take up arms against the Government I have no doubt if I understood him that I answered in the affirmative. It is not pretended that I gave any parole at my house that night after I was conducted there. Nor can it be justly urged that I gave any parole on the subsequent occasion when Colonel Hughes brought me the second safeguard. He was not authorized to take it but he acquits me of giving any promise or parole except the constructive one which [he] says he implied from the supposition that I accepted the safeguard. To the last Colonel Hughes did not succeed in ridding his mind of the confusion involved by confounding two things so essentially different as a parole and a safeguard.

This acceptance of the second paper as an absolute and final adjustment with the Government is an error also produced from taking things for granted which were not expressed. He admits I never said I accepted it. The fact is manifest to me now that Colonel Hughes interpreted every expression or act of mine in any degree equivocal during that period by the standard of his feelings. He was, had been and I believe still is my friend, and I am proud of his friendship. He disapproved of the course I felt it to be my duty to take in our present unhappy domestic war. He ardently desired me to be once more at peace with the Government and his desires led him to deductions and inferences which he would not have made in dealing with one indifferent to him. He knew well that I would not take the oath of allegiance even to be by the bedside of a dying wife whose life was a part of mine. But when I said there are strong and powerful reasons why I should

stay at home he infers hastily but kindly that I am in a condition of mind to accept whatever terms the Government might exact as the condition of my security. He has confounded an inference with a fact. It is a total misconception of me when [he] says I asked him to procure a perpetual safeguard for me. He admits that I never said a word about the terms on which I would remain at home permanently nor did he. So that in the dark his ardent friendship for me induced the conclusion that I had made up my mind to take a safeguard without regard to its terms or conditions. I did not know what terms the Government would impose. Really wishing to remain if I could consistently with my principles and my honor I felt a strong desire to know what the Government would do or propose. The ten days were expiring and I wished to see and consider the terms of whatever arrangement should be proposed. I remember the solicitude I felt as to the contents of the paper when I asked him to read it. I had not read it when he left nor examined and considered the stipulations. I had not a shadow of doubt that I had the full period of days to consider and determine a matter of so great moment. And when I returned the safeguard having ultimately resolved on my course I thought the negotiation was at an end, and in my opinion the relations between myself and the Government were the same as before the negotiations were begun.

The commission will remember that the distinct understanding of the officers, Colonels Steele and Brown, was that a failure to come to terms would place me back in the position of an enemy to the Government. I had no doubt that when I returned the safeguard I had the right to act as the enemy of the Government. But I wished to avoid all semblance of unfair bearing toward the officers who had voluntarily done me a great kindness and I resolved to take no step of hostility to the Government until the expiration of the ten days. But I submit to the consideration of the commission whether I was in such relation to the Government of the United States as to be the subject of a parole of honor in the sense and meaning of the law martial so as to become the object of a criminal prosecution. I was not a prisoner. I was the open enemy of the Government and an officer in the army at war with the Government. Without my knowledge upon the voluntary solicitation of Colonel Hughes, a friend of the Government and also my personal friend, the Government upon its own motion sought an interview with me proclaiming that I should have the privilege to pass in and out of its lines, and if no arrangement was made mutually satisfactory to the Government and myself that I should be where I was before the interview—an enemy still—the Government taking no advantage of me by reason of its acquired knowledge of my whereabouts derived from the interview. Can the Government upon any military usage treat me as a criminal in such a state of facts even if I had been mean enough not to respond by my action to the magnanimity the Government extended to me?

In defining to the witness Colonel Hughes the nature of a parole of honor the president of the commission said it was a promise on honor made by a prisoner to some competent military officer authorized to take it. As far as I have been able to inform myself this definition is correct. The essential element of a parole is a promise given by one in the power of the Government by virtue or in consideration of which the Government may relax that power or modify its exercise. I was not in the power of the Government at the time. The Government distinctly recognized that fact; but acting under the promptings of a high humanity it chose voluntarily to extend to me, an enemy, a kindness,

resolving to take no advantage of me even if its generous action should turn out to be misplaced. I submit that this view is conclusive to the result that there is no power in the court to treat me as a criminal under the second charge. But my honor is involved as a gentleman and soldier that I clear myself of all imputation of improper action touching the peculiar relation between myself and the Government arising out of the action of the Government toward me. I recognized then and do now the delicacy of that relation, and I insist that my conduct was entirely consistent with the most romantic standard of honor. It will be conceded by the commission that it is of the essence of every breach of parole that it should be intentional; that the party charged with the breach should have fully understood the nature of his obligation and with that knowledge broken it. Before the world I solemnly declare that I would have surrendered my life before breaking intentionally any known obligation to the Government arising out of the circumstances by which I was carried to the bedside of a dying wife. Never for a moment had I any other understanding of what passed between the officers of the Government and myself than that it was my privilege to determine what should be my future relation to the United States, and that I had the time of ten days to decide the question. Torn by conflicting motives strong and powerful in their antagonism I decided, and sent back the safeguard sent to me by the Government through the same channel by which it came. At that moment I believed the negotiation or conference ended and that I stood on the precise ground occupied by me at the moment of the interview at Colonel Hughes' residence where I met the officer of the United States. I am satisfied now from the testimony of Colonels Brown and Hughes that they interpreted the negotiation differently, but I am proud to believe that neither of those gentlemen deem me capable of violating a known obligation.

It is not important that I should analyze the processes through which my mind went before the decision was finally made. The peril which surrounded me at home was better understood by me than by the officers of the United States. I had knowledge of danger unknown to them. I remembered and shall not soon forget the scenes of Georgetown. I remember too events earlier in point of time than the day of my capture as well as others more recent, coming up to the period of my final determination. I felt that the post at Sedalia was no security for me. I remembered how unavailing were the efforts of the officers of the United States to save from cold-blooded assassination Judge Richardson at Canton, and I know that my peril must be as great as his own. I did not doubt the will of the U. S. officers to save me from the hands of violence but I doubted and still doubt their power to save me from the shot of an assassin. I broke no parole express or implied. A parole express or implied imposes no obligation except during its continuance. Whenever it expires by its own limitations or by the option of the party giving it all of its obligations cease. My determination ended all parole. The time given was for my benefit not that of the Government. If at the hour when I laid my wife in her grave I had decided not to make an arrangement with the Government at that instant all parole constructive or express expired and left me free to act as an enemy of the Government, if my judgment should so dictate. Still to avoid the imputation of error I studiously avoided taking up arms against the United States till after the expiration of the ten days. I was not in arms against the Government at Milford. I did no act and gave no counsel against the Government,

although I did not doubt [that] I had a right as an enemy [to do] either or both. Technically by a refinement of thought I was in the "camp of the enemy," but I was not there as aider, abetter or combatant. I had a right to be there or at any other place which offered a security which [neither] my home nor the military post of Sedalia could afford me. I was an enemy, had a right to rejoin the army and was on my way to it. My purpose was to have left the camp at Milford and proceed alone for I thought they were careless and did not use the proper vigilance for their own security. The capture prevented the execution of that purpose. If in the deep perturbation of mind caused by the greatest calamity of my life I misunderstood the action of the Government officers and did not truly appreciate the relation in which that negotiation placed me toward the United States I deeply regret it. But in the face of Heaven I declare that in all I did I acted in strict conformity to whatever I understood of obligation. It is very painful to me to think—[Copy mutilated].

[E. MAGOFFIN.]

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JUDGE-ADVOCATE'S OFFICE,
April—*, *1862.*

In the matter of Ebenezer Magoffin, confined in a cell in the military prison at Alton under sentence of death by order of General Halleck. Execution of death suspended by order of the President, and the record sent up for his consideration.

The facts of record appear to be: He was tried before a species of tribunal instituted by General Halleck at Saint Louis and styled a military commission on two charges—first, for that, "not being a legitimate belligerent" he did, in Pettis County, Mo., "kill and murder a sergeant of the Illinois cavalry;" and, second, for "violation of parole not to resume arms against the United States."

To the first charge, considering it substantially as a charge of murder, he pleaded to the jurisdiction, and that waiving the question of the lawfulness of his arrest and imprisonment he was in the matter of that charge answerable only in due course of law; that he was a citizen of the United States and of the State of Missouri; that the fact was laid in a district where the laws of both were in unobstructed force and capable of execution and the courts open and free to try and punish; and he claimed the protection of the laws and Constitution of the United States.

The plea was overruled. Then on trial he was acquitted of that charge, but convicted of the second, violation of parole, and sentenced to death. In regard to the parole Lieutenant-Colonel Brown, Seventh Missouri Volunteers, testifies that Magoffin's wife being near death he gave him on the 10th of December leave to visit her and a protection or safeguard on condition not to commit any act of hostility or give any information; that he accompanied Magoffin to his house and there put it in writing essentially as follows:

A safeguard is granted to Col. E. Magoffin protecting him in person and property until the 20th day of December, 1861. Officers and soldiers of the U. S. Army will obey this order and in no way molest him or his family.

* Day not entered.

That afterward, on the 15th of December, understanding that Magoffin desired an extension he sent to be delivered to him a second safeguard in words as follows, dated back to the 10th "to correct any supposed defects in the first," viz:

Whereas, Ebenezer Magoffin, formerly a colonel in the Army of the Southern Confederacy, has given his parole of honor that he will not in any manner by word or deed aid, assist or give countenance to the enemies of the United States Government; and whereas, by order of General Halleck said Magoffin is to be permitted to remain at home or vicinity in the quiet unmolested pursuit of his usual peaceful occupations: I therefore order all officers and soldiers of the U. S. Army to give him protection and by this safeguard he is protected in person and property as long as he remains in the quiet pursuit of his ordinary business, in same manner as other loyal citizens of the United States.

The first was written at Magoffin's house in conformity to previous agreement. Witness did not deliver it to him personally because when he went to his room for that purpose he found him holding in his arms his wife supposed to be dying and therefore he handed it to the daughter of Magoffin, who did not then see, read or have it read to him. Witness has not since seen it; has only a general recollection of its terms; thinks something about loyalty to the United States was in it; it was written amid much distress in the family. When asked whether it was given merely to allow Magoffin to visit his family or with the understanding that he was to become and to remain a loyal citizen witness answers to visit his family for a time and to remain if he chose; that in respect to remaining Magoffin had said when it was proposed in conversation at the interview before they went to the house that his mind was harassed and he wished time (ten or fifteen days) to decide; whereupon witness agreed to give it for a limited time, leaving him at the expiration thereof to place himself in the same position as before—that is, "as an enemy." He was not a prisoner of war further than by the receiving the safeguard and giving his parole. Witness further states that Magoffin was then so distracted as to be unable to keep up a connected conversation and in so great distress that witness thought him bordering on insanity.

Doctor Hughes, witness of the prosecution, states he informed the officers of the condition of Magoffin's wife and asked leave and safe conduct for him to see her; arranged the interview between Colonel Brown and Magoffin. Colonel Brown asked Magoffin what it was he wished; he answered the privilege to go to the sick-bed of his wife in safety. Colonel Brown inquired for what length of time; Magoffin answered ten or twenty days by which time her illness would end one way or the other. Colonel Brown replied he should be privileged to do so. Witness suggested to make it perpetual. Magoffin said he was then in no condition of mind to determine upon that and asked the privilege of deciding on that within the time stated. Colonel Brown promptly assented. Then the three went to Magoffin's house; found his wife in a dying condition. Colonel Brown would not disturb him but wrote the safeguard without Magoffin's knowledge and left it for him. It was a promise of protection of person and property until the 20th; could not say that accused promised or pledged himself to do anything. He appeared to be not entirely himself from distress and want of rest. Colonel Brown thought his mind seriously threatened.

This is the case for the prosecution as respects the first safeguard and the pledges given for it. It shows I think merely a case of safeguard or safe-conduct to come and stay in safety a certain time not the release of a prisoner to go on parole not to resume arms. The exact conditions imposed with it are not ascertained. The paper is not pro-

duced. The witnesses cannot testify to the terms; they are not certain as to the substance. But the effect and conclusion from their whole testimony is that Magoffin was pledged (as is reasonable, proper and customary in case of safeguard) to do no act of hostility or give information while profiting of it.

In regard to the second safeguard it was given by Colonel Brown to Hughes for Magoffin. Hughes delivered it on the 15th of December. They read it and discussed the conditions. Hughes left it with him. On the 18th Hughes received it back and the following from Magoffin:

PRAIRIE [LEA], [*December*] *16, 1861.*

Doctor HUGHES.

DEAR SIR: You were at my house last night and left with me a written pass. Previously I had accepted one which does not expire until the 20th day of this month. It was understood that I had until that time to deliberate the proposition made by Colonel Brown and yourself concerning the parole. I am deeply grateful to you both for the kindness you have shown me; it was generous and disinterested. But reliable information has reached me to-day from two sources that a conspiracy has been made to assassinate me in my home. Reluctantly I am compelled to leave it again. I therefore send you back the pass you left with me. I cannot accept it. I must express again my sincere gratitude to yourself and Colonel Brown for your kindness and regret that circumstances have frustrated your friendly purposes and that I am compelled to leave a young and helpless family to the mercy of my enemies.

Truly, your friend,

E. MAGOFFIN.

The return of this second safeguard within the term of the first and the time expressly allowed him to consider of the acceptance of an extended or perpetual one puts it out of consideration in the question of his violation of parole which is to be decided on the terms and conditions of the first.

The alleged violation is in being with the armed rebels captured at Milford on the 19th of December. It appears that he was not armed and took no part in the fight. He says he was traveling with them for protection. Being with them and holding a commission in the same service, if then not in command or on duty I think he may be considered as with them or in league with them as the charge alleges, and that he is therefore properly made prisoner of war like the rest. But I cannot see in what he has committed any violation of his parole or of the conditions of his safeguard. He had left his house to return to the condition from which he came; within the term he had privilege to do so. The witness, Colonel Brown, who gave it, states:

The accused was regarded as an officer in the army of General Sterling Price, which he claimed and acknowledged himself to be. At the time of the giving of the first safeguard the accused was not viewed in the light of a prisoner of war further than the giving of the safeguard and the receiving the parole would constructively make him so; that he would be at liberty at the time the safeguard expired to leave his home and place himself in the same position as before I met him—that is as an enemy.

If the theory of the prosecution and the principle of the judgment be that having such liberty when the safeguard expired—that is on the 20th of December—he had it not before—that is on the 16th or 17th when he left his home, and the 19th when he was taken at Milford—that is error. The rule of public law is the reverse. He is bound to go before the safeguard expires. Vattel says:

A safe-conduct for a stated term expires at the end of it. The bearer is to retire, before that time or he may be seized and punished if he has given room for suspicion by delay of his own framing. Though in case of safe-conduct, revocable at pleasure, bearer is allowed a proper time for his safe departure.

But supposing for which I see no ground that he violated his parole or the pledge of honor on which the safe-conduct was granted him—what then? What penalty did he incur? He forfeited his protection undoubtedly. He was liable to capture like any unprotected enemy. I doubt if the penalty extends further unless he has acted as a spy. But even considering him not as an enemy on safe-conduct but a prisoner released on parole not to take arms, what then is the penalty by the laws of war for violation of that parole? I find nothing decisive of the question in the writers on public law. Vattel, Wildman, Wheaton, while they assert the binding obligation of such parole and deny the power of the sovereign to dispense from it or forbid its observance pass by in silence the question of penalty. Halleck, the latest writer on international law and the laws of war, does not meet the point precisely. He says the act of government in forcing a soldier "to violate his parole" is futile as a protection to him, and is semi-barbarism in the government; that Mexican prisoners released on parole were organized into guerrilla bands under robber chiefs furnished with military commissions from government. "Such attempts," he adds, "to violate the ordinary rules of war not only justify but require prompt and severe punishment." What punishment? Death or more rigorous imprisonment than that from which they had been relieved and that other prisoners are subject to? And for what cause? Because they were again in arms, or because in guerrilla bands under robber chiefs? "Accordingly," he proceeds, "General Scott announced his intention to hang every one retaken after thus violating his parole." He thus so far as he indorses the doctrine may refer to the aggravated circumstances just stated. General Scott, however, does lay the doctrine down without qualification. At least he requests the archbishop of Mexico so to advise and instruct the Mexicans that death is the penalty for violating parole. But I do not find that doctrine in the books. In the debate in the House of Lords on the execution of Colonel Hayne by the British at Charleston the lord chancellor and the ministerial side argued that a prisoner taken in arms in violation of parole was liable to instant execution without other form of trial than that necessary to identify the person. The opposition denied the ministerial doctrine. The Earl of Shelburne said:

> The practice in the late war was totally different. A great degree of ignominy and stricter confinement were the consequences of breach of parole. Persons guilty of that offense are shunned by gentlemen. But it had never before entered into the head of a commander to hang them.

Earl of Effingham said:

> The lord chancellor's quotation from Grotius related to spies and not prisoners who had broken their paroles.

But admit that prisoners of war may be put to death for violation of parole—and it seems only just and reasonable that they should be where the breach of faith betrays the adversary into disaster or results in any serious injury to him—it will not be said that the extreme penalty should attend every case. This case if a case at all is not an aggravated but a very mitigated case. He took no part in the action. He was not in arms, but he was with the enemy and belonging to their service; he was prisoner of war like the rest.

Under these circumstances the Government ought I think to discharge this man from the sentence of death; and may also consider whether to order his detention as prisoner of war, or in consideration of

the error of the sentence and of his confinement as a felon waiting execution of death to order his release on parole.

I believe the analysis I here submit presents a fair view of the force and effect of the evidence and of the true merits of the case; but as I differ so entirely in my conclusions on it from the commission and General Halleck, I must respectfully request the President to read the entire record which in respect of the second charge is not long.

I have considered in this case only the questions it presents of public law. It involves also many questions of municipal law. A public enemy in arms is liable to be proceeded against according to the laws of war; an inhabitant of a country under martial law is liable to the code or system which the conqueror having driven out the laws and tribunals of the country may proclaim and establish. This I understand to be the foundation of martial law—to be recognized as valid in that state of things because arbitrary power is better than anarchy, and any law than no law. But I do not understand that our Government recognizes that state of things, or will base any system of executive orders and proceedings upon such theory or principle.

Under our municipal laws, State or Federal, these proceedings are of no validity. Military commissions are not a tribunal known to our laws, and military commanders have no power to inflict death except by sentence of courts-martial.

Respectfully submitted.

J. F. LEE,
Judge-Advocate.

FRANKFORT, KY., *March 29, 1862.*

Hon. J. J. CRITTENDEN.

DEAR SIR: I have carefully examined and considered an abstract of the evidence in the case of Col. Ebenezer Magoffin, of Missouri, who has been found guilty by a military court-martial* of violating his parole. This abstract was prepared by William T. Wood, esq., of Saint Louis, who is a native Kentuckian and with whom I have been acquainted from boyhood. I have arrived at the conclusion that the sentence of the court-martial ought not to be carried into execution.

First. Whatever may have been the influence and opinions of the witnesses of the prosecution respecting a parole of Magoffin it is very certain he did not regard himself as under parole not having accepted the paper left at his house by Colonel Hughes and which Magoffin returned to Hughes the 17th of December, three days before the expiration of the time prescribed in the paper given by Colonel Brown. Conceding that Magoffin was mistaken in the legal view he took of the matter and he was according to the military law under parole, should his life be forfeited for an honest mistake of his duty in the premises?

Second. His departure from home before the 20th of December is satisfactorily accounted for. He was informed he would be assassinated if he remained at home, and all of the circumstances conduced to show he had reasonable grounds to believe the information he had received was true. Under the circumstances he thought his only plan of safety was in the presence of a sufficient number of his friends; and this accounts for his being found and taken prisoner at some battle fought in Missouri the past winter. From the evidence I learn he had no

* Magoffin was not tried by a court-martial, but by a military commission.

command on that occasion and did not in fact participate in the engagement, which resulted in the defeat of the Confederate forces. If as the evidence and all of the circumstances conduce to prove Magoffin was there for personal safety only it explains the cause of his departure from home at the time stated.

With great respect, your friend and obedient servant,

JAMES HARLAN.

I concur in the views and petition set forth above.

J. B. TEMPLE,
President Kentucky Military Board.

I concur in the view set forth in the foregoing.

G. T. WOOD,
Member of Military Board.
JNO. W. FINNELL,
Adjutant-General Kentucky Volunteers.

Trial of John C. Tompkins, accused of bridge-burning, etc.

PALMYRA, MO., *December 30, 1861.*

At a military commission which convened on Monday, the 30th day of December, 1861, at Palmyra, Mo., pursuant to authority derived from the major-general commanding the Department of the Missouri under the following order, to wit—

SPECIAL ORDERS, No. 97. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *Saint Louis, December 27, 1861.*

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II. A military commission is hereby appointed to meet at Palmyra, Mo., on Monday, the 30th instant, or as soon thereafter as practicable, for the trial of such persons as may be brought before it.

Detailed for the commission: Col. John Groesbeck, Thirty-ninth Ohio Volunteers; Lieutenant-Colonel Tinkham, Twenty-sixth Illinois Volunteers; Capt. Henry T. McDowell; Capt. David C. Benjamin; Capt. Henry Binmore, assistant adjutant-general, who will act as judge-advocate and recorder.

The commission will sit without regard to hours.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

All the members of the court [commission] detailed as above being present, John C. Tompkins was arraigned upon the following charges, to wit:

CHARGE 1: Bridge, railroad and car burning.

Specification.—That on the night of the 20th of December, 1861, the said John C. Tompkins with other persons unknown did unlawfully within the Military District of North Missouri burn and destroy one railroad bridge known as the Sturgeon bridge and also one other railroad bridge known as the "Long Branch bridge," and certain railroad ties, rails, tanks and cars, which bridges, ties, rails, tanks and cars formed a part of the common traveled way known as the North Missouri Railroad. This in violation of martial law prevailing in the said Military District of North Missouri and in the State of Missouri.

CHARGE 2: Giving aid and comfort to bridge and railroad burners.

Specification 1.—That the said John C. Tompkins did on the evening or night of Friday, the 20th of December, 1861, meet with other parties unknown and plot the destruction of two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and certain ties, tracks, rails and cars, being part of and appertaining to the North Missouri Railroad.

Specification 2.—That the said John C. Tompkins did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of

Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad and sundry cars upon said track.

CHARGE 3: Aiding and abetting in the act of bridge-burning and in the destruction of a part or portion of the North Missouri Railroad and the cars and rolling-stock thereof.

Specification.—That the said John C. Tompkins did on the night of Friday, the 20th of December, 1861, aid and abet in the act of bridge-burning and in the destruction of bridges and in the destruction of a portion of the North Missouri Railroad and of cars upon the track of said railroad, by chopping with axes, by carrying fence-rails, by exciting language, &c.

CHARGE 4: Treason against the Government of the United States.

Specification.—In this, that John C. Tompkins did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

DAVID McKEE,
Major Black Hawk Cavalry.

The prisoner having been asked whether he had any objection to any member of the commission, and having replied, "I do not know the gentlemen; I have none," the oath prescribed by the Sixty-ninth Article of War was administered to the court [commission] by the acting judge-advocate, and as soon as the said oath had been administered to the several members of the commission the president thereof administered to the acting judge-advocate the oath prescribed by the Sixty-ninth Article of War, the prisoner being present while the oaths were administered.

To the first charge John C. Tompkins, the prisoner, pleads not guilty.

To the second charge John C. Tompkins, the prisoner, pleads not guilty.

To the third charge John C. Tompkins, the prisoner, pleads not guilty.

To the fourth charge John C. Tompkins, the prisoner, pleads guilty.

The acting judge-advocate (Captain Binmore) laid before the commission telegrams as follows:

HUDSON, *December 21, 1861.*

Brigadier-General PRENTISS:

North Missouri road torn up below last night. * * *

WM. BISHOP,
Colonel, Commanding.

HUDSON, *December 21, 1861.*

J. H. GAMBLE, *Superintendent, Saint Charles:*

The North Missouri track is torn up and burned commencing eight miles from this place. Don't know how far south they have gone. Burnt the ties, bent iron and cut the telegraph poles and destroyed the wire and burnt water-tanks.

J. B. CLARKE,
Operator.

HANNIBAL, *December 23, 1861.*

General PRENTISS:

The North Missouri road is badly injured. * * *

J. T. K. HAYWARD.

ADAM GOSLING, witness introduced, being duly sworn pursuant to the seventy-third Article of War is examined as follows:

Question. Where do you reside?

Answer. In the town of Sturgeon, Boone County, Mo.

Question. Where were you during the night of Friday, the 20th of December last?

Answer. At my house in Sturgeon.

Question. Were you there during all the night?

Answer. I was until I was taken away.

Question. Who took you away?

Answer. A body of about 300 cavalry.

Question. Armed cavalry?

Answer. The most were armed I think.

Question. Were they soldiers of the U. S. Army?

Answer, No, sir.

Question. How do you know that?

Answer. I am acquainted with most or many of them. I am acquainted with many of them and know them to belong or to have been with Price's army. I knew them near Sturgeon. They have been there all this fall until the Lexington fight; then they principally all left and went there.

Question. Do you know one Watson, called Captain Watson?

Answer. I never saw him before that night that I know of.

Question. Was he of the party that visited and took you?

Answer. Yes.

Question. Do you recognize this man as being there?

Answer. Yes, sir; I think I do.

Question. What did this man say or do on that occasion?

Answer. That man never spoke to me after I had seen him.

Question. How long did he stay at your house?

Answer. I presume he stopped in an hour, or perhaps half an hour.

Question. During their stay what did they do?

Answer. After they took me from my house as I passed my store we went into my store. I asked them if they would not go inside; they said they would. I opened the door, and they said they would go in and they went in; and they said they wanted their canteens filled and I filled them with liquor. I of course gave it to them.

Question. Did you give it to them because of their force?

Answer. I was disposed to treat them the best I knew how.

Question. For what reason?

Answer. They would treat me the better.

Question. What had they against you?

Answer. I had been a Union man I suppose.

Question. Did they take you from your dwelling-house?

Answer. Yes, sir; they did.

Question. Did they demand you to go to the store?

Answer. No; they told me to go with them and as we passed up I asked them into the store.

Question. State whether they took any other property.

Answer. Not that I know of. We remained at the store from half an hour to an hour and a half.

Question. Charge your memory particularly and let the court know if you saw Tompkins there.

Answer. There is no question of his being there. I know he was in the crowd.

Question. Did you see Sturgeon bridge while it was burning?

Answer. Yes, sir.

Question. Was the prisoner there?

Answer. There is no question of his being there. I know he was one of the crowd but whether he was right close at the fire I could not be positive. I saw him before the fire and afterward.

PRISONER. I can prove I was not there by respectable ladies. I know I was at home asleep that night.

WITNESS. I know that after the bridge was burned we went to Long Branch bridge and he was there. When we returned back when the last bridge was burned we returned to Sturgeon, and we as a body passed over the railroad. Mr. Tompkins did not return but he was arrested on his way back.

Question. You have no doubt upon your mind as to his presence?

Answer. I have not any.

Question. Have you not heretofore at a preliminary examination stated positively that he was there?

Answer. Yes.

Question. And were you not thoroughly certain of the fact that of all you saw there his name suggested itself to your mind first?

Answer. I so recognized him.

Question. Have you any knowledge as to whether this man is an enrolled soldier in Price's army?

Answer. No, sir; I have not.

Question. Is it your belief that he is?

Answer. I know nothing of that except I have no doubt by what he stated that he has been, but I don't know. I know that within the last few weeks a good many of them have returned from the army.

CAPTAIN FORBES, of the Twenty-second Missouri Regiment of U. S. Volunteers, was duly sworn pursuant to the seventy-third Article of War.

Question. State what you know of the prisoner being in arms against the United States.

Answer. When we turned off the main road down the lane that we went down before the fight I went down alone. I was to see if that was the lane, because we had a guide with us and he was not certain that was the lane. I went down the lane and discovered that was right, and he told me that was the place. I beckoned for the advance to come along, and just as we came along the pickets of their party turned in sight. They were not certain whether we were friends or foes and when we got within thirty yards of them I hallooed to them to halt and throw down their arms. We fired on them and knocked one of them. The prisoner I believe was shot through the skirt of his coat. He threw his arms down. I went on and told some of the men to stop there. The major was behind me. That is about all I know of that case.

Question. Was this man one of the guard you have spoken of?

Answer. Yes; I had seen that man before then.

Question. State the circumstances.

Answer. The first time that Lieutenant-Colonel Morse went after Sweeney I went to where this man was doing business. I found two guns. He told me they were left for his own protection. I asked him when a man named Swabee had been there. He told me he had not been there for some time.

No further testimony being introduced, the commission finds the prisoner guilty as charged in the first charge and specification thereunder; also guilty as charged in charge 2 and as charged in specifica-

Question. Was he at the bridge-burning?

Answer. He was in the crowd when they left my store. I think this man was one of them.

Question. Have you known him before?

Answer. I merely identify the prisoner as one I saw there when the bridge was burned.

Question. Have you any knowledge of his having been arrested by the military authorities of the United States before this?

Answer. Not to my knowledge.

Question. Was he mounted? Was he on horseback when you saw him?

Answer. Yes, sir.

Question. Was he under arms that night?

Answer. Yes.

Question. Did you recognize him as belonging to any army?

Answer. Yes.

Question. What army? What service was he in; do you know?

Answer. The rebel service at that time.

Question. When the crowd left your store did they march in line until they reached the bridge?

Answer. Yes, sir; I believe so. A part of them remained on horseback while the bridge was burning.

Captain FORBES, of the Twenty-second Missouri Regiment, was duly sworn pursuant to the Seventy-third Article of War:

Question. Did you arrest the prisoner?

Answer. He was arrested by some of my men—the advance.

Question. Had you ever seen him before?

Answer. O, yes; I once met him. I was in a party to arrest Swabee and Hatton and he denied they were at Swabee's house, and Captain Hawk and several men went down there and arrested them, and I accused this young man of telling a falsehood and I took his name, and when I saw him the other morning I recognized him. I could not call his name. I saw him again in their camp and they called his name.

No further testimony being introduced the commission finds the prisoner guilty as charged in the first charge and the specifications under it; also guilty as charged in charge 2 and as charged in specifications 1 and 2 thereunder; also guilty as charged in charge 3 and specification under it; also that charge 4 is not proven against the prisoner; also guilty as charged in charge 5 and specification under it, and does therefore sentence him, William J. Forshey, to be shot to death at such time and place as the major-general commanding the department shall direct.

JOHN GROESBECK,
Colonel Thirty-ninth Ohio, President.
HENRY BINMORE,
Assistant Adjutant-General, and Acting Judge-Advocate.

Trial of John Patton for bridge-burning and treason.

John Patton was arraigned* upon the following charges, to wit:

CHARGE 1: Bridge, railroad and car burning.

Specification.—That on the night of the 20th of December, 1861, the said John Patton with other persons unknown did unlawfully within the Military District of North Missouri burn and destroy one railroad bridge known as the Sturgeon Bridge and also one other railroad bridge known as the Long Branch bridge, and certain railroad ties, rails, tanks and cars, which bridges, ties, rails, tanks and cars formed a part of the common traveled way known as the North Missouri Railroad. This in violation of martial law prevailing in the said Military District of North Missouri and in the State of Missouri.

CHARGE 2: Giving aid and comfort to bridge and railroad burners.

Specification 1.—That the said John Patton did on the evening or night of Friday, the 20th of December, 1861, meet with other parties unknown and plot the destruction of two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and certain ties, track, rails and cars, being part of and appertaining to the North Missouri Railroad.

Specification 2.—That the said John Patton did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track, or a portion thereof, of the North Missouri Railroad, and sundry cars upon said track.

CHARGE 3: Aiding and abetting in the act of bridge-burning and in the destruction of a part or portion of the North Missouri Railroad and the cars and rolling-stock thereof.

Specification.—That the said John Patton did on the night of Friday, the 20th of December, 1861, aid and abet in the act of bridge-burning and in the destruction of a portion of the North Missouri Railroad and of cars upon the track of said railroad by chopping with axes, by carrying fence-rails, by exciting language, &c.

CHARGE 4: Treason against the Government of the United States.

Specification.—In this, that John Patton did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

DAVID McKEE,
Major Black Hawk Cavalry.

The prisoner having been asked whether he had any objection to any member of the commission and having replied, "I have no objection," the oath prescribed by the Sixty-ninth Article of War was administered to the court [commission] by the acting judge-advocate, and as soon as the said oath had been administered to the several members of the commission the president thereof administered to the acting judge-advocate the oath prescribed by the Sixty-ninth Article of War, the prisoner being present while the oaths were administered.

To the first charge John Patton, the prisoner, pleads not guilty.
To the second charge John Patton, the prisoner, pleads guilty.
To the third charge John Patton, the prisoner, pleads not guilty.
To the fourth charge John Patton, the prisoner, pleads guilty.

ADAM GOSLING, witness introduced, being duly sworn pursuant to the Seventy-third Article of War is examined as follows:

Question. State to the court if you ever knew the prisoner and if you met him on the night of the 20th of December last.

Answer. Yes. I don't know that I was acquainted with the prisoner before the night of the 20th when he came in my store with a lot of men and was talking to me a great deal that night. I inquired of him as to Mr. Patton that he was from Price's army, and if he had seen some acquaintances there. He started with us when we started to the bridge.

* Before the commission constituted by Special Orders, No. 97, p. 374. No date, but probably same day on which Tompkins and Forshey were tried.

Question. Did he go to the Long Branch bridge?

Answer. I don't know.

Question. After starting with you to go to the bridge-burning where did you lay eyes on him the next time?

Answer. I did not see him any more until I saw him next morning.

Question. You cannot swear that he was with you all the time?

Answer. He was with us all the time at the Sturgeon bridge. As to seeing him all the time particularly I could not swear.

Question. After leaving the town of Sturgeon you don't remember to have seen him until next morning?

Answer. No, sir.

Question. He started with the party?

Answer. Yes.

Question. Did the men proceed in a continual line?

Answer. Yes, sir; in order.

Question. Did you see anybody leave the line?

Answer. Not unless they staid behind.

Question. Where were you in line?

Answer. I presume there were about 100 men before me.

For the PRISONER:

Question. Do you recollect seeing me at your store?

Answer. Yes, sir. Don't you recollect asking me about old man Forman or some one?

To the PRISONER:

Question. What county are you a citizen of?

Answer. Boone County.

Maj. DAVID MCKEE, witness introduced, being sworn pursuant to the Seventy-third Article of War examined.

Question. Were you present at the skirmish at or near Crab Apple Grove on Saturday, December 21?

Answer. I was in command and present.

Question. Under what circumstances was the prisoner arrested?

Answer. To the best of my impression the first that I saw of him was in the corn-field after the battle. Some men in advance of us captured him, and I recognized this man more particularly as a man wearing such a cap as that (pointing to the cap worn by prisoner). I think I remarked since the battle that he looked very much like the man that passed through the corn-field, and he said he was the man.

Question. Was he leaving the battle-field?

Answer. Yes, sir; he was about the last man that left too.

Question. Had you ever seen him before?

Answer. Not to recognize him; not to know him.

Question. When you saw him in the corn-field was he armed?

Answer. Yes; I think he was. He came stepping along through the corn-field pretty fast but I think he had arms.

Question. Who arrested Patton?

Answer. It was Major Linder. I have a man here who was in company with him after the fight.

No further testimony being demanded by the commission, the commission finds the prisoner guilty as charged in the first charge and specification thereunder; also guilty as charged in charge 2 and as charged in specifications 1 and 2 thereof; also guilty as charged in the third charge and its specification; also guilty as charged in the fourth charge and its specification, and does therefore sentence him, John Patton, to be shot to death at such time and place as the major-general commanding the department shall direct.

JOHN GROESBECK,
Colonel Thirty-ninth Ohio, President.
HENRY BINMORE,
Assistant Adjutant-General and Acting Judge-Advocate.

Trial of Richard B. Crowder, accused of bridge-burning and treason.

PALMYRA, MO., *Wednesday, January 1, 1862.*

The commission met pursuant to adjournment at 10 a. m.

Present: Col. John Groesbeck, Thirty-ninth Ohio Volunteers, president; Lieut. Col. Charles J. Tinkham, Twenty-sixth Illinois Volunteers; Capt. Henry T. McDowell, Company A, Thirty-ninth Ohio Volunteers; Capt. David C. Benjamin, Company I, Thirty-ninth Ohio Volunteers; Capt. Henry Binmore, assistant adjutant-general, acting judge-advocate and recorder.

Richard B. Crowder was arraigned upon the following charges, to wit:

CHARGE 1: Bridge, railroad and car burning.

Specification.—In this, that on the night of the 20th of December, 1861, the said Richard B. Crowder with other persons unknown did unlawfully within the Military District of North Missouri burn and destroy one railroad bridge known as the Sturgeon bridge and also one other railroad bridge known as the Long Branch bridge, and certain railroad ties, rails, tanks and cars, which bridges, ties, rails, tanks and cars formed part of the common traveled way known as the North Missouri Railroad. This in violation of martial law prevailing in the said Military District of North Missouri and in the State of Missouri.

CHARGE 2: Giving aid and comfort to bridge and railroad burners.

Specification 1.—In this, that the said Richard B. Crowder did on the evening or night of Friday, the 20th of December, 1861, meet with other parties unknown and plot the destruction of two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and certain ties, track, rails and cars, being part of and appertaining to the North Missouri Railroad.

Specification 2.—In this, that the said Richard B. Crowder did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad and sundry cars upon said track.

CHARGE 3: Treason against the Government of the United States.

Specification.—In this, that Richard B. Crowder did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer of the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

DAVID McKEE,
Major Black Hawk Cavalry.

The prisoner having been asked whether he had any objection to any member of the commission and having replied, "None that I know of; they are gentlemen that I never saw," the oath prescribed by the Sixty-ninth Article of War was administered to the court by the acting judge-advocate; and as soon as the said oath had been adminis-

tered to the several members of the commission the president thereof administered to the acting judge-advocate the oath prescribed by the Sixty-ninth Article of War, the prisoner being present while the oaths were administered.

To the first charge Richard B. Crowder, the prisoner, pleads not guilty.

To the second charge Richard B. Crowder, the prisoner, pleads not guilty.

To the third charge Richard B. Crowder, the prisoner, pleads guilty.

JACK BLAIN, witness introduced, being duly sworn pursuant to the Seventy-third Article of War is examined as follows:

Question. Did you arrest the prisoner?

Answer. I was of the party. We arrested him on Friday night between Allen and Renick, betwixt 10 and 11 o'clock. We arrested him with another young man by name of Cunningham, I think.

Question. Tell what was going on.

Answer. We came up on the road—a party of Colonel Morse's command. We came with a part of his command and stopped, and as we stopped there a party fired and afterward ran. After a short time two gentlemen rode up there. We fired on them and retreated. A short time after that three persons rode up. We ordered them to halt. The third run his horse; we fired on him. We took a gun away from Cunningham. I did not take a gun from this man, but there was a gun taken from him also a revolver. After we had arrested this man we staid there a short time, and Colonel Morse had been to Renick.

Question. What was said or done by the prisoner?

Answer. We inquired of the prisoners after we arrested them if they belonged to any company. They said they had been with this company, and they said that Mr. Perkins—I think he said Major Perkins—had command of it and that they had been sent away on business. They did not state on what business.

Question. How near to the railroad were they?

Answer. About ten or fifteen feet.

Question. Did either of them in the presence of the other subsequently state the business?

Answer. Cunningham afterward told me, "We had been sent out on picket guard."

Question. You are sure they were his words are you?

Answer. Yes, sir.

Question. At the time you arrested this man was the railroad burning?

Answer. Yes, sir.

Question. Were they in view of it?

Answer. Yes, sir; about ten or fifteen feet off.

Question. Could they feel the heat of it; were they near enough?

Answer. I should say so. There was a cattle guard on fire, and I should think it was not over ten feet from them.

Question. How was the fire set?

Answer. They threw up the track and piled wood on top of it.

Question. From his coming up at that time you inferred he was a member of the party?

Answer. Yes, sir.

Question. I mean the party that was engaged in destroying the bridge?

Answer. Yes, sir.

By the PRISONER:

Question. I would like him to be right certain as to whether I had a gun.

Answer. I think so.

Question. Do you think I intended to do anything toward the road?

Answer. I thought so and think so yet; perhaps not at that time. You rode up but you had no time to do anything. At least I thought you came up to spy on account of the cars running back, and for that reason I suppose you came back as a spy to see what was going on; and if I recollect aright you did not deny of being with them at that time.

M. B. DANIELS, a witness introduced, having been duly sworn pursuant to the Seventy-third Article of War is examined as follows:

Question. Will you state where you saw this gentleman and under what circumstances. Give the court an account of his arrest if you were present at it.

Answer. I saw him about three miles from Renick on the North Missouri Railroad at the firing of the railroad there. He and two other men came up on horses with guns. They were halted and two of them arrested—this man and another one.

Question. Did you take any weapon from this man?

Answer. He had a rifle or shotgun. I believe this is the man that had a shotgun.

Question. Did he have any other weapon?

Answer. I did not see it but some of the boys said he had a revolver.

Question. How many guns did you take from the party?

Answer. Two.

Question. Did you take the gun of the man that ran?

Answer. Not until next morning. He was then followed up.

Question. Then you took three guns from the three men?

Answer. Yes, sir.

Question. How far was prisoner from the fire?

Answer. He was within six feet of the track where the cattle guard was afire.

For the PRISONER:

Question. Were not we entirely off the apron of the crossing of the road when we were arrested?

Answer. You was right on the apron—on the edge.

Question. Did you not get the gun from the gentleman on the yellow nag?

Answer. Both were on yellow nags.

Question. You think you did not get a gun from the gentleman that ran off?

Answer. It was got next morning with a bullet hole in the breech and a powderhorn with it.

Question. How do you know it was his?

Answer. The man was wounded and found dead the next day. Before he died he said the powderhorn was shot off him. And this agreed with his statement.

Question. You are right positive a gun was taken from both those men that were taken prisoners?

Answer. They were.

The commission finds the prisoner guilty as charged in charge 1 with its specification; also guilty as charged in charge 2 with its specifications; also guilty as charged in charge 3 with its specification, and does therefore sentence him, Richard B. Crowder, to be shot to death at such time and place as the major-general commanding the department shall select.

JOHN GROESBECK,
Colonel Thirty-ninth Ohio Volunteers, President.
HENRY BINMORE,
Assistant Adjutant-General and Acting Judge-Advocate.

Trial of George M. Pulliam, accused of bridge-burning and treason.

PALMYRA, MO., *January 1, 1862.*

George M. Pulliam was arraigned* upon the following charges, to wit:

CHARGE 1: Bridge, railroad and car burning.

Specification.—That on the night of the 20th of December, 1861, the said George M. Pulliam with other persons unknown did unlawfully within the Military District of North Missouri burn and destroy one railroad bridge known as the Sturgeon bridge and also one other railroad bridge known as the Long Branch bridge, and certain railroad ties, rails, tanks and cars, which bridges, ties, rails, tanks and cars formed a part of the common traveled way known as the North Missouri Railroad. This in violation of martial law prevailing in the said Military District of North Missouri and in the State of Missouri.

CHARGE 2: Giving aid and comfort to bridge and railroad burners.

Specification 1.—In this, that the said George M. Pulliam did upon the evening and night of Friday, the 20th of December, 1861, meet with other parties unknown and plot the destruction of two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and certain ties, track, rails and cars, being part of and appertaining to the North Missouri Railroad.

Specification 2.—In this, that the said George M. Pulliam did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad, and sundry cars upon the said track.

CHARGE 3: Treason against the Government of the United States.

Specification.—In this, that George M. Pulliam did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

DAVID McKEE,
Major Black Hawk Cavalry.

The prisoner having been asked whether he had any objection to any member of the commission and having replied, "I don't know either of the gentlemen, sir, and I don't know that I ought to object; I guess they are gentlemen," the oath prescribed by the Sixty-ninth Article of War was administered to the court by the acting judge-advocate, and as soon as the said oath had been administered to the several members of

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* Before the commission constituted by Special Orders, No. 97, p. 374.

the court [commission] the president thereof administered to the acting judge-advocate the oath prescribed by the Sixty-ninth Article of War, the prisoner being present while the oaths were administered.

To the first charge George M. Pulliam, the prisoner, pleads not guilty.

To the second charge George M. Pulliam, the prisoner, pleads not guilty.

To the third charge George M. Pulliam, the prisoner, pleads guilty.

LEMUEL L. SIMPSON, witness introduced, being duly sworn pursuant to the Seventy-third Article of War is examined as follows:

Question. Did you make the arrest of the prisoner?

Answer. I was along when it was done.

Question. State all the particulars.

Answer. I don't know exactly where it was done but when we met him he had a gun that was loaded. He looked at us a bit and he said would we treat him as a prisoner of war? Major Linder said he would. He said he was in the fight and when he was caught he was trying to shoot a lieutenant. He was behind a fence. Some person shot at him and hit him in the hat and grazed his head.

Question. How far was it from the battle you arrested him?

Answer. I don't know; it was not a great ways though.

Question. How far from the railroad?

Answer. I don't know that.

Question. What time was this arrest made—on Saturday?

Answer. I think it was; yes, sir—Saturday.

Question. Did you hear him make any expression as to the burning of the railroad property?

Answer. No, sir; I did not.

By the PRISONER:

Question. I would like to ask if he did not hear me say to the major if he did not treat me as a prisoner of war I would not surrender?

Answer. I did not hear you say so.

Question. You just stated that I asked him if he would not treat me as a prisoner of war.

Answer. That you would run you said.

ADAM GOSLING, witness introduced, having been duly sworn pursuant to the Seventy-third Article of War is examined as follows:

Question. Do you recognize this man as one you saw at Sturgeon?

Answer. I can't say I saw him at the station of Sturgeon; I saw him in camp.

Question. Did you have any conversation with him?

Answer. No; I had this morning.

Question. When were you in camp?

Answer. After the bridge-burning.

Question. Do you remember seeing this man at the burning of the bridge?

Answer. No, sir; I do not.

To PRISONER:

Question. Where do you live?

Answer. In Oregon, Holt County.

Question. When did you join this band?

Answer. I joined it the day before.

Question. At Perche bridge?

Answer. Yes, sir.

Question. And you went with them fourteen miles to Sturgeon?

Answer. It was in the night. I don't know the distance.

Question. Where were you at the bridge-burning?

Answer. I was with the rear guard.

Question. How far from the bridge?

Answer. I could see the light; I don't know how far.

Question. How far were you from the bridge-burning at Long Branch?

Answer. Something like a mile.

Question. You saw it burning?

Answer. I saw the light of the fire.

Question. Were you on guard that night?

Answer. I was in the rear-guard company. We were behind the company.

Question. The soldiers or men were formed in a continuous line at the bridge-burning?

Answer. Yes, sir.

Question. How long have you been in Price's army?

Answer. I joined Perkins in Randolph County, and was sent home with wounded men. I went home and was unable to get back. Until the time of the burning I thought we were going back.

Question. What fights were you in?

Answer. Fort Scott fight is the only one. I was left in Bates County and stayed there four or five weeks. The man I was left with had his leg broken. I still belong to Price's army.

Question. You had knowledge that they were going to burn those bridges?

Answer. I had not when we met the officers who swore us all that we were to meet to rendezvous. The idea we got was that we were to start to Price. They had been talking of it for sometime; that was the talk. Privates know nothing at all about what was going on.

Question. After burning that Sturgeon bridge did you not know of the burning of Long Branch bridge?

Answer. No, sir; I did not know there was a bridge there.

Question. What did you say of the bridge-burning?

Answer. I don't know I said anything about it.

Question. Did you not condemn it?

Answer. I think as well as I can recollect all of us were talking as soldiers generally are and I merely remarked that it was something I did not approve of. I had nothing to say about it much. I had been raised to never do anything that was dishonest.

Question. Why did you not leave if you thought it wrong?

Answer. I went on to stop in camp.

Question. Did you not voluntarily go to the burning of Long Branch bridge?

Answer. We were in company.

The commission finds the prisoner guilty as charged in charge 1 and the specification under it; also guilty as charged in charge 2 and the specifications under it, also guilty as charged in charge 3 and the specification under it, and does therefore sentence him, George M. Pulliam, to be shot to death at such time and place as the major-general commanding the department may select.*

JOHN GROESBECK,
Colonel Thirty-ninth Ohio Volunteers, President.
HENRY BINMORE,
Assistant Adjutant-General, Acting Judge-Advocate.

Trial of Thomas S. Foster, accused of violation of the laws of war.

PALMYRA, MO., *January 22, 1862—10 a. m.*

The court met pursuant to adjournment.

Present: Col. John Groesbeck, Thirty-ninth Ohio Volunteers, president; Lieut. Col. Charles J. Tinkham, Twenty-sixth Illinois Volunteers; Capt. Henry T. McDowell, Company A, Thirty-ninth Ohio Volunteers; Capt. David C. Benjamin, Company I, Thirty-ninth Ohio Volunteers; Capt. Henry Binmore, assistant adjutant-general, acting judge-advocate and recorder.

Thomas S. Foster, accused, being also present.

The acting judge-advocate having read the order convening the court asked the accused, Thomas S. Foster, if he had any objection to any member named therein, to which he replied, "I have not. I know none of them. All I ask is a fair trial."

The court was duly sworn by the judge-advocate and the judge-advocate was duly sworn by the presiding officer of the court in the presence of the accused. The following charges were then read aloud by the judge-advocate:

CHARGE: Violation of the laws of war.

Specification 1.—In this, that the said Thomas S. Foster did on or about the 10th day of July, 1861, set fire to and destroy and burn the bridge known as the Salt River bridge, said bridge forming a part of the common traveled way known as the Hannibal and Saint Joseph Railroad. This within the Military District of North Missouri.

Specification 2.—In this, that the said Thomas S. Foster did on or about the 10th day of July, 1861, by his presence, advice, counsel and consent aid and abet one or more persons unknown who on or about the date mentioned did set fire to, burn and destroy a railroad bridge known as the Salt River bridge, said bridge forming a part of the common traveled way known as the Hannibal and Saint Joseph Railroad. This within the Military District of North Missouri.

Specification 3.—In this, that the said Thomas S. Foster did on or about the 10th day of July, 1861, meet with other persons unknown and did conspire with such persons unknown to destroy the railroad bridge known as the Salt River bridge, said bridge forming a part of the common traveled road known as the Hannibal and Saint Joseph Railroad. This within the Military District of North Missouri.

Specification 4.—In this, that the said Thomas S. Foster did on or about the 10th day of July, 1861, set fire to and destroy one or more railroad cars then stationed at or near Hunnewell Station on the line of the Hannibal and Saint Joseph Railroad, said railroad cars forming and being a part of the rolling-stock of the Hannibal and Saint Joseph Railroad Company. This within the Military District of North Missouri.

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* For Halleck's approval of the sentences of Tompkins, Forshey, Patton, Crowder and Pulliam see General Orders, No. 20, January 14, 1862, p. 402.

Specification 5.—In this, that the said Thomas S. Foster did on or about the 10th day of July, 1861, by his presence, counsel and advice aid two or more persons unknown in the destruction of two or more railroad cars then stationed at or near Hunnewell Station on the line of the Hannibal and Saint Joseph Railroad, said railroad cars forming and being a part of the rolling-stock of the Hannibal and Saint Joseph Railroad Company. This within the Military District of North Missouri.

JUDGE-ADVOCATE. Thomas S. Foster, you have heard the charge preferred against you; how say you, guilty or not guilty?

To which the accused, Thomas S. Foster, pleaded as follows: "Not guilty."

CELIA ARDINA RHINO, a citizen, witness on the part of the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. At Hannibal in this State.

Question. Do you know Mr. Foster?

Answer. Certainly.

Question. State to the court what you know of the prisoner in relation to the burning of Salt River bridge.

Answer. I saw the bridge burned. I saw them burning it and I saw the train on fire. When they came nearly opposite where we lived I saw the body of men, and perhaps they might have come to the house. I did not see Foster there at all; it was too far off for me to tell one from another.

Question. You can't swear under oath that you saw him there?

Answer. I cannot.

Question. Did he come to your residence on that evening?

Answer. If he did I did not know him. There was a gentleman came to the house for an ax.

Question. You do not recognize him as the person who came for the ax?

Answer. Not at all for I knew Doctor Foster well.

Question. Have you a daughter?

Answer. Yes, sir.

Question. Was she at your house?

Answer. Yes, sir; she was at home.

Question. Who else was at your house?

Answer. My daughter and my son-in-law.

Question. What is the name of your daughter who was at home?

Answer. Smith is the daughter I was living with at the time.

Question. Where is she now?

Answer. She lives in Hannibal.

By the COURT:

Question. Did you know any of the parties at all that were engaged in burning the bridge?

Answer. I did not. I was not close enough to tell whether I knew them or not.

Question. How far is your house from the bridge?

Answer. About a quarter of a mile. I could see them plain but could not recognize them.

Question. Did you recognize any man?

Answer. No. I saw them going and coming; I only heard who it was.

Question. Doctor Foster is not the person who borrowed the ax from you?

Answer. He is not.

Question. There was an ax borrowed of you?

Answer. There was.

Question. Did the party state what he borrowed it for?

Answer. No; but my daughter went out and got it.

Question. Did you see the ax used?

Answer. They went to the bridge and I supposed they used it to destroy it.

Question. Did you see that ax used for the splitting of rails?

Answer. I did not.

Question. Have you ever told any one that you saw Doctor Foster splitting rails with that ax?

Answer. No; I think not.

Question. Do you know Mr. Cohen—A. B. Cohen?

Answer. I am not acquainted with him personally; I have heard of him.

Question. Are you knowing to the fact of Doctor Foster being at that time in command of a company of men?

Answer. I do not know it.

Question. Do you know if he was in the so-called Confederate service?

Answer. I don't know, only what I heard. The last time I saw the doctor to my recollection he was attending my family in my son's house—to my granddaughter; that is the same thing.

Question. When was that?

Answer. That I don't know. It has been some time ago.

Cross-examined by the ACCUSED:

Question. Was that some time last spring?

Answer. I think it was this month a year ago.

ANN EVANS, citizen, a witness on the part of the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. I reside at present in Palmyra, Mo.

Question. Are you acquainted with Thomas S. Foster?

Answer. Yes, sir.

Question. You recognize the person here by that name?

Answer. Yes, sir.

Question. When did you see him last?

Answer. The last time I saw him was at Shrinkietown.

Question. Under what circumstances?

Answer. I was arrested. I was his prisoner.

Question. State who arrested you and under what circumstances.

Answer. I do not know who arrested me. I did not see Doctor Foster until I got there.

Question. Where is Shrinkietown?

Answer. It is south of Monroe Station I think.

Question. When were you arrested?

Answer. I think it was in July; the day they call the battle of Monroe. I heard Mr. Evans was taken prisoner and I went down.

Question. Were you present at the burning of Salt River bridge?

Answer. No, sir; I live two miles from there. I live at Hunnewell and was at home.

Question. Were you present at Hunnewell when certain cars were burned?

Answer. I was at Hunnewell in sight of it.

Question. How far from the burning at Hunnewell were you?

Answer. I was in sight. I was at home when they came there.

Question. Do you recognize Foster as having been in that crowd?

Answer. He was there.

Question. Do you recognize Foster as being where the cars were burned at Hunnewell Station?

Answer. It was right opposite my house and he was there.

Question. Where was he standing?

Answer. I could not say; he was all about. He did not have a gun; he had something tied up over his shoulder.

Question. Was he standing looking on at the burning of the cars?

Answer. I saw him several times.

Question. While the cars were burning?

Answer. Yes, sir.

Question. How far were you and he from the cars?

Answer. It is not a great way. I was much frightened. I was afraid they were going to burn my house and Moss told me I need not be afraid.

Question. How far were you from where the cars were burned?

Answer. On the same street; I should think not as far as from here to the hotel.

Question. And you recognize Doctor Foster as being there?

Answer. He was down by the railroad.

Question. How far from your house were the cars burned?

Answer. It was close by.

Question. As far as to the corner?

Answer. I don't think it was as far as that.

Question. Did you see Foster on the platform or about on the track?

Answer. Yes, sir; I saw him once on the platform. One man came there first before they all came—a man by the name of Ragsdell; he came in much of a hurry. Several men went to him when he got off his horse and wanted to know what he came for and he said they were coming to burn the bridge.

Question. Was Salt River bridge burned at the same time?

Answer. That evening.

Question. When Ragsdell came the cars were not burning?

Answer. No, sir. He came to see if there was anybody to tell on him I suppose.

Question. The cars were first burned?

Answer. No, sir; they lighted at Mr. Worthington's and I think they took something to drink. I heard them say "forward march," "shoulder arms," and they all marched to the bridge. In a short time I saw the bridge burning and the two tanks, and then they came to the track and I saw them turn the switch, but I did not know any person but Doctor Foster.

Question. What amount of time elapsed between the burning of the Salt River bridge and the burning of the cars at Hunnewell?

Answer. I should think it was not over an hour. They staid there till after dark. I saw them after dark. They went to Mr. Leary's and got supper.

Question. Did you see them coming?

Answer. Yes, sir.

Question. Did you see Doctor Foster?

Answer. They were all in the crowd; I saw him there.

Question. Did you see Doctor Foster during the time the crowd was absent?

Answer. No, I did not.

Question. I mean while the body of men were absent at Salt River bridge?

Answer. I did not.

Question. Did you see him before they went there?

Answer. I saw him when they came.

Question. Did you see him after they came back?

Answer. I saw him; yes. I think he had on a light coat—a linen coat—and something tied upon his shoulder. They all had guns but him; he had something else.

By the PRISONER:

Question. Do you recollect anything of my trying to protect that property?

Answer. No, sir. I heard Mr. Moss say not to burn the depot. They allowed some of the men's property to be taken from the depot—some flour and barrels of things—but anything that belonged to the railroad company they said could not be taken away. I asked why they did not burn the depot and Moss said he was the one that persuaded them not to do so.

ARCHIBALD S. ROBARDS, citizen, a witness on the part of the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. In Hannibal, Mo.

Question. Do you know anything about the burning of Salt River bridge?

WITNESS. The first burning do you allude to?
JUDGE-ADVOCATE. Yes, sir; the first burning.

WITNESS. I was at home. I have a farm at Salt River bridge. I was on the farm the night it was burned the last time.

Question. How far is your house from the bridge?

Answer. I suppose three-quarters of a mile; just about.

Question. When was the last burning?

Answer. It was the day that the Shelbina fight was. I don't recollect the day of the month or what month, but it was the night of or the night after.

Question. Do you know anything about furnishing combustible material to set fire to the bridge?

Answer. I know nothing of it. I was charged with having furnished some tar and turpentine, or that is what I was told afterward.

Question. Do you know any person that was present at the burning?

Answer. It was done after night. I know the officer who said he burned it next morning. It was dark. Some of the boys I knew maybe, but it was so dark that I don't recollect that I knew any single individual that night.

Question. Did you go down to the bridge?

Answer. I went to the bridge when the captain told me next morning it was burned. I went to see if it was or not. I went down thinking we could put it out and save a good deal of it.

Question. What is the name of this captain that told you of it?

Answer. Captain Grimshaw.

Question. He said he burned the bridge?

Answer. He said he was ordered by Mr. Greene to burn it.

Question. Did you see Foster that night?

Answer. No, sir; I did not.

Question. Did you see him next morning?

Answer. No, sir.

Question. How far from Hunnewell do you live?

Answer. Exactly three miles—that is I have a farm there and am frequently at it.

Question. In which direction?

Answer. Across the river.

Question. When did you see Foster before the burning?

Answer. I saw him that day. He said he was acting as surgeon to a party of Green's regiment. I don't know what party it was.

Question. Was Greene's force in proximity at that time?

Answer. He was with them at the fight. The company that burned the bridge was part of Greene's company.

Question. Was Doctor Foster with Greene?

Answer. I saw the doctor once there. It was two or three miles from Shelbina.

Question. How far from the bridge?

Answer. It was seven miles.

Question. You speak of his being present at a fight; what fight?

Answer. Shelbina.

Question. Do you know anything of the burning of the cars at Hunnewell?

Answer. Nothing at all. I was at Hannibal and I never knew of it until they sent to me at the depot.

Question. What time was the last burning at Salt River bridge?

Answer. It was perhaps in September.

Question. What time was the first burning of the bridge?

Answer. It was in oat harvest.

Question. Was it Greene's force was present at the first burning?

Answer. I was not there.

Question. Do you know whether Doctor Foster was with Greene at that time as a surgeon?

Answer. I don't know. I had not seen the doctor since he left home until about that time.

Question. Have you ever taken the oath of allegiance to the United States?

Answer. Yes, sir.

Question. Have you since the pendency of this rebellion?

Answer. No, sir.

Question. Have you not expressed an unwillingness to do so?

Answer. I have told them whenever it was necessary I would take it and when not I would not be willing to do it.

Question. That is rather indefinite. Will you state what you consider to be such a necessity?

Answer. I should be bound to if ordered by the United States Government.

Question. As a citizen you would be unwilling to take such an oath?

Answer. I don't see the necessity of taking it. I would not take it willingly.

Question. Willingly then you would not swear allegiance to the United States?

Answer. No, sir.

Question. You would take the oath if compelled. Would you consider such an oath binding upon your conscience?

Answer. I should not. I should look upon it as if you forced me to sign a bond or if you forced me to sign a note in favor of Doctor Foster.

By the COURT:

Question. You do not consider yourself a very loyal citizen?

Answer. I don't know. I consider myself a strong Union man—not in one sense; but I am strong for the Government in one sense—as strong as any gentleman who has a seat at that table. I would like to see the Government restored.

PRESTON T. WORTHINGTON, citizen, a witness on the part of the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. Near Hannibal, Mo.

Question. Are you acquainted with Doctor Foster?

Answer. Not intimately; I have seen him. I know him when I see him.

Question. Did you see him upon the occasion of the burning of the cars at Hunnewell or near there?

Answer. Yes, sir.

Question. State the circumstances.

Answer. The circumstances are these that the men came in and the cars were burned.

Question. Do you recognize him as being there?

Answer. Yes, I think I do.

Question. State where you saw him.

Answer. I did not see him at that time. I was shut up in my house. I would not see the proceedings that were going on.

Question. You saw the cars burning?

Answer. I saw the smoke coming out of them.

Question. Where were you and Doctor Foster when this band came up to Hunnewell?

Answer. I was at the depot on the platform when he came up.

Question. Then you saw him ride up?

Answer. Yes, sir.

Question. Did you hear him say anything?

Answer. Nothing in particular. There was some conversation about burning the depot, and some of the citizens were parleying with the crowd not to do it and Foster said if there was any private property there to take it out; that he expected to burn it down; that the order was to burn it down. He did not state that he had the order himself or whether somebody else had it. The way I happened to hear the conversation was I had something in the depot myself.

Question. Did Doctor Foster call at your residence that evening?

Answer. He was not at my residence that evening.

Question. Did you see the doctor at any time that evening shoving the cars off?

Answer. Not at that time. I saw him there perhaps fifteen minutes before.

Question. Did you remove your property from the depot?

Answer. Yes, sir.

Question. Was Doctor Foster near when you were doing it?

Answer. Yes; he was standing on the platform.

Question. Where did the party dismount?

Answer. At various places about town.

Question. Any before your house?

Answer. Some, perhaps all; I don't know how many were there.

Question. Did you see anybody set fire to the cars?

Answer. No, sir.

Question. Do I correctly understand you that you staid within your house to prevent yourself from seeing it?

Answer. Yes, sir. A friend of mine so advised me.

Question. But what you did see you have stated?

Answer. Yes, sir.

Question. And you heard and saw what you have already stated?

Answer. Yes, sir.

Question. You are positive as to the words used by Doctor Foster?

Answer. Yes, sir—that he expected to burn or the order was out to burn the depot.

By the PRISONER:

Question. Did you hear anything of my trying to save that depot or the property there?

Answer. You advised some men to save their property as you expected to burn the depot.

Question. Did I not try to save the depot?

Answer. You did not. You spoke of the property of citizens.

Question. What did I have—a gun, or what?

Answer. A box, I think.

D. RUSSELL MOSS, citizen, a witness on the part of the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. State to the court briefly and plainly what you know of the burning of Salt River bridge.

Answer. I believe I know nothing of it. I was at Hunnewell two miles east of Salt River bridge when it was burned.

Question. Were you present at the burning of the cars at Hunnewell?

Answer. I was, sir.

Question. State in the same way the circumstances of that burning.

Answer. I was at Hunnewell when these gentlemen came from the bridge. I reckon there was two companies.

Question. Do you recognize Foster as one of the company or of either company?

Answer. Yes; he was at Hunnewell.

Question. Did you see him on or about the platform close to the cars which were burning?

Answer. Yes, sir.

Question. Did you see anybody set fire to the cars?

Answer. I did not. There was a street between the cars and the town and a young man rode out on to the street and halloed out if any man had property in the depot to take it out. I had some salt in there. I ran across the street and rolled the salt out, and after I got the salt out I seen Foster standing on the platform and I went to him and said, "For God's sake, don't have them burn the depot; it will not do anybody any good and it will do everybody harm." He remarked to me, "If I can keep these men from burning the depot I will do it," and he went and talked to this young man and the depot was not burned. I remarked, "Let us move this car some ways from here." A good many refused to let the car be moved but I got down and took hold and some more took hold and we moved the last car and the depot was not burned.

Question. The cars were burned?

Answer. Yes; I think about four or five.

Question. This was after the burning of the bridge?

Answer. Yes, sir.

Question. Did Doctor Foster visit your house before the burning of the bridge?

Answer. No, sir; but I saw him before.

Question. Did he say he or they were going to burn the bridge?

Answer. I think not.

Question. Was not something mentioned in regard to the burning of Salt River bridge?

Answer. It was named but whether Doctor Foster named it or somebody else I don't know.

Question. He was present, however, when it was named?

Answer. Yes, sir.

Question. Within hearing distance?

Answer. Yes.

Question. Did you not testify before a grand jury that Foster said, 'they" or "we are going to burn the bridge"?

Answer. I don't think I did. I have no recollection about it.

Question. How long before the burning of the bridge did you see Doctor Foster?

Answer. I could not tell you.

Question. About how long?

Answer. I can't say.

Question. This conversation you had with the doctor and some one else took place how long before the burning of the bridge?

Answer. It was some two hours before I saw the smoke.

Question. Where were you then?

Answer. I was at Hunnewell two miles east of Salt River bridge.

Question. And at that conversation something was said in the doctor's hearing about the burning of Salt River bridge?

Answer. Yes, sir.

Question. The doctor being present?

Answer. Yes; there were some other men present. There was a young man rode into the middle of the street and said, "If any man has property at the depot he had better take it out." I had some salt there and I ran over and removed the salt, and as soon as I did that Doctor Foster was on the platform and said as I have told you.

Question. Did you ask him to save the cars?

Answer. The cars were burning.

Question. Foster was also present then?

Answer. He was on the platform right by the cars as they were burning. Some of them had been removed but the last car was standing there.

Question. Do you know anything of the second burning of Salt River bridge?

Answer. I do not. I was in the city then.

By the PRISONER:

Question. Do you know in what capacity I was there?

Answer. No, I do not. You had a kind of box hanging on your side. I don't know what it was.

ROBERT H. GRIFFITH, M. D., a witness on the part of the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. In Hannibal, Mo.

Question. Are you acquainted with Doctor Foster?

Answer. Yes, sir.

Question. You were one of the grand jury when Doctor Foster's case was up for consideration in Saint Louis?

Answer. Yes; I was a juryman when his case was presented.

Question. Tell the court what you know of one Moss having testified to a conversation with Foster.

Answer. My recollection of it is that he did not say Foster went to his house. My memory though on that point may not be very distinct. My attention was called to this matter, however, specially. Mr. Moss as well as I recollect said that he saw Foster at Monroe or Hunnewell, and that Doctor Foster told him he intended burning Salt River bridge and that he left in the direction of Salt River bridge and went there, and that soon after he saw the smoke and that at a subsequent meeting he said he had burned it.

Question. Your best recollection is that Moss testified to that effect?

Answer. That is my best recollection of the testimony. I recollect very distinctly that the jurors or most of us believed there was testimony ample to predicate a bill upon, and we were about doing so having two witnesses to the same confession of the overt act, but we were informed by the district attorney in attendance that to find an indictment for treason there must be two witnesses to the overt act itself, and that his confession amounted to nothing at all unless it was made in open court.

Question. That was on a proposition to indict for treason?

Answer. That is so. This was considered by us an act under the charge of treason. Two witnesses testified to the acknowledgment of the same fact—that he was at the burning and that he set it on fire, or was with the party.

Question. You are satisfied in your own mind that two witnesses testified to the acknowledgment, and that basing your opinion upon the acknowledgments made by him and sworn to by two witnesses you would with other jurors have charged treason had it not been for the counsel of the district attorney?

Answer. Yes, sir; you exactly state the case.

Question. Who was the second witness?

Answer. I think it was Mrs. Evans. I am under that impression.

Question. But if she was not the party it was somebody else?

Answer. I know for certain it was given in evidence by two witnesses, and I think she was one of them and I know Moss was the other. I know we hunted over the testimony and the grand jury instructed to draw up a bill, and it would have been drawn up and signed but for the instructions we received of the district attorney.

Question. If mistaken as to the person, you are confident you are not mistaken as to the fact?

Answer. Not as to the fact.

Question. About what time was this?

Answer. In July last.

Question. Where?

Answer. At Saint Louis.

Question. Do you or did you know where Foster was at the time?

Answer. I knew Foster had been absent some time from Hannibal. For some time previous to my leaving for Saint Louis I had heard a great many reports as to his being out with guerrilla parties but did not of my own knowledge know his whereabouts.

Question. He was not at home?

Answer. No, sir; he had been some time absent before I left for Saint Louis. I left the early part of July.

The prisoner declined to ask any questions of this witness.

JOHN T. K. HAYWARD, citizen, a witness on the part of the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. At Hannibal, Mo.

Question. Are you an officer of the Hannibal and Saint Joseph Railroad Company?

Answer. Yes, sir.

Question. In what capacity are you employed?

Answer. Superintendent.

Question. Do you remember the date when Salt River bridge was first burned?

Answer. My recollection is that it [was] about the time of the fight at Monroe.

Question. About when?

Answer. About the 10th or 15th of July I think.

Question. About what time was it burned a second time?

Answer. I think it was about the 5th of September.

Question. About what time were certain cars burned at Hunnewell or near there?

Answer. When the bridge was burned the first time.

Question. How many cars were there burned?

Answer. I think not more than three.

The court adjourned to meet at 2 p. m. on this 22d day of January, 1862.

JOHN GROESBECK,
Colonel Thirty-ninth Ohio Volunteers, President.
HENRY BINMORE,
Assistant Adjutant-General and Acting Judge-Advocate.

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JANUARY 22, 1862—2 p. m.

The military commission met pursuant to adjournment.

Present: Col. John Groesbeck, Thirty-ninth Ohio Volunteers, president; Lieut. Col. Charles J. Tinkham, Twenty-sixth Illinois Volunteers; Capt. Henry T. McDowell, Company A, Thirty-ninth Ohio Volunteers; Capt. David C. Benjamin, Company I, Thirty-ninth Ohio Volunteers; Capt. Henry Binmore, assistant adjutant-general, acting judge-advocate and recorder.

The case of Thomas S. Foster was continued.

JAMES M. MORRIS, citizen, a witness for the prosecution was duly sworn.

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. At Hannibal, Mo.

Question. Are you acquainted with Thomas S. Foster?

Answer. Yes, sir; I have been very well acquainted with him in former days but not lately.

Question. Do you know anything about the burning of certain cars at Hunnewell or of the Salt River bridge?

Answer. No, sir; I went out to fix them up, but I don't know who done it or anything about it.

Question. Did you hear anything of the burning?

Answer. Yes, sir; I tried to get over.

Question. How long after the bridge was burned?

Answer. The next day.

Question. Do you know anything of the parties who were present at the burnings?

Answer. No, sir; I was no nearer than Hannibal.

Question. What do you know in relation to whether Thomas S. Foster was engaged in either or both of those burnings?

Answer. I don't know that he was engaged in it or not. All I know is that about the time the home guards were organized at Hannibal a good many of my friends was down on me for joining and the doctor and me had a good many talks about it one way and the other, and when the time the Sixteenth Illinois came (that was the first troops that landed at Hannibal) it bothered the doctor a good deal and I told him there would be a good many more than that here if they did not behave themselves, and he said he would be one of the men that would tear up the whole railroad before they should travel on it. I told him he was crazy and I thought it was nonsense for him to talk that way.

Question. What time was that conversation—during what month?

Answer. I don't recollect. I think maybe it was in June.

Question. Might it have been in July?

Answer. Yes, sir; but I think if so it must have been early in the month.

Question. Was it before the burning of the bridge?

Answer. O, yes; it was before any great fuss was got up anyhow. His remark was he would be one to burn or tear up the railroad before they should travel over the road. I don't know if he said burn or tear up.

By the PRISONER:

Question. Where were we when that conversation took place?

Answer. On the plank sidewalk I believe.

Question. What brought it up?

Answer. I don't exactly remember now. I did not charge my memory with it anyway, but think it was the troops—talking about them that brought it up; they were going through to some place. I think that was it but am not positive. The troops though I am certain brought it up and you were opposed to the troops traveling on the road entirely.

The prisoner having declined to call any witnesses and having also declined to present any defense, the statements of the parties being thus in possession of the court and the court being cleared for deliberation and having maturely considered the evidence adduced find the accused, Thomas S. Foster, as follows:

Of the first specification, not proven.
Of the second specification, guilty.
Of the third specification, guilty.
Of the fourth specification, guilty.

Of the fifth specification, guilty.

Of the charge, guilty.

And the court do therefore sentence him, the said Thomas S. Foster, "to be shot to death at such time and place as the major-general commanding the department shall direct."

JOHN GROESBECK,
Colonel Thirty-ninth Ohio Volunteers.
HENRY BINMORE,
Assistant Adjutant-General and Acting Judge-Advocate.

Finding approved.

The sentence will be carried into effect at such time and place as may be hereafter designated by the general commanding department. In the meantime the prisoner will be confined in a cell of Alton prison.

H. W. HALLECK,
Major-General.

GENERAL ORDERS, No. 20. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, Mo., January 14, 1862.*

I. At a military commission which convened at Palmyra, Mo., pursuant to Special Orders, No. 97, of December 27, 1861, from these headquarters, and of which Col. John Groesbeck, Thirty-ninth Ohio Volunteers, is president, were arraigned and tried—

* * * * * * *

James H. Benedict.

CHARGE: Treason against the Government of the United States.

Specification.—In this, that James H. Benedict did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the accused pleaded not guilty.

The commission finds the accused guilty and does therefore sentence him, James H. Benedict, to be held a prisoner subject to the orders of the major-general commanding the department.

Thomas Benedict.

CHARGE: Treason against the Government of the United States.

Specification.—In this, that Thomas Benedict did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the prisoner pleaded not guilty.

The commission finds the prisoner guilty and does therefore sentence him, Thomas Benedict, to be held a prisoner subject to the orders of the major-general commanding the department.

James W. Rumans.

CHARGE: Treason against the Government of the United States.

Specification.—In this, that James W. Rumans did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the accused pleaded guilty.

The commission finds the accused guilty and does therefore sentence him, James W. Rumans, to be retained in custody subject to the orders of the major-general commanding the department.

Ransom Batterdon.

CHARGE: Treason against the Government of the United States.

Specification.—In this, that Ransom Batterdon did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the accused pleaded guilty.

The commission finds the accused guilty and does therefore sentence him Ransom Batterdon, to be retained in custody subject to the orders of the major-general commanding the department.

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James P. Tuggle.

CHARGE: Treason against the Government of the United States.

Specification.—In this, that James P. Tuggle did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which charge and specification the accused pleaded guilty.

The commission finds the prisoner guilty and does therefore sentence him, James P. Tuggle, to be retained in custody subject to the orders of the major-general commanding the department.

* * * * * * *

George H. F. Jones.

CHARGE 1: Giving aid and comfort to bridge-burners.

Specification.—In this, that he, the said George H. F. Jones, did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad and sundry cars upon said track.

CHARGE 2: Treason against the United States Government.

Specification.—In this, that the said George H. F. Jones did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer of the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the prisoner pleaded:

To the first charge, not guilty.

To the second charge, guilty.

The commission finds the accused:

Of the first charge and specification, guilty.

Of the second charge and specification, guilty.

And does therefore sentence him, George H. F. Jones, to be retained in custody subject to the orders of the major-general commanding the department.

James R. J. Jones.

CHARGE 1: Giving aid and comfort to bridge-burners.

Specification.—In this, that the said James R. J. Jones did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad and sundry cars upon said track.

CHARGE 2: Treason against the United States Government.

Specification.—In this, that the said James R. J. Jones did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer of the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the prisoner pleaded:

To the first charge, not guilty.

To the second charge, guilty.

The commission finds the accused:
Of the first charge and specification, guilty.
Of the second charge and specification, guilty.
And does therefore sentence him, the said James R. J. Jones, to be retained in custody subject to the orders of the major-general commanding the department.

Thomas M. Smith.

CHARGE 1: Bridge and railroad and car burning.

Specification.—That on the night of the 20th of December, 1861, the said Thomas M. Smith with other persons unknown did unlawfully within the Military District of North Missouri burn and destroy one railroad bridge known as the Sturgeon bridge and also one other railroad bridge known as the Long Branch bridge, and certain railroad ties, rails, tanks and cars, which bridges, ties, rails, tanks and cars formed a part of the common traveled way known as the North Missouri Railroad. This in violation of martial law prevailing in the said Military District of North Missouri and in the State of Missouri.

CHARGE 2: Giving aid and comfort to bridge and railroad burners.

Specification 1.—In this, that the said Thomas M. Smith did on the evening or night of Friday, the 20th of December, 1861, meet with other parties unknown and plot the destruction of two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and certain ties, track, rails and cars being part of and appertaining to the North Missouri Railroad.

Specification 2.—In this, that the said Thomas M. Smith did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad and sundry cars upon said track.

CHARGE 3: Treason against the Government of the United States.

Specification.—In this, that Thomas M. Smith did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the accused pleaded:
To the first charge, not guilty.
To the second charge, guilty.
To the third charge, guilty.
The commission finds the accused:
Of the first charge and specification, guilty.
Of the second charge and specification, guilty.
Of the third charge and specification, guilty.
And does therefore sentence him, Thomas M. Smith, to be shot to death at such time and place as the major-general commanding the department shall direct.

* * * * * * *

Stephen Stott.

CHARGE 1: Giving aid and comfort to bridge and railroad burners.

Specification 1.—In this, that the said Stephen Stott did on the evening or night of Friday, the 20th of December, 1861, meet with other parties unknown and plot the destruction of two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and certain ties, track, rails and cars being part of and appertaining to the North Missouri Railroad.

Specification 2.—In this, that the said Stephen Stott did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad and sundry cars upon said track.

CHARGE 2: Treason against the Government of the United States.

Specification.—In this, that Stephen Stott did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the accused pleaded guilty.

The commission finds the prisoner:
Of the charges and specifications, guilty.
And does therefore sentence the said Stephen Stott to be shot to death at such time and place as the major-general commanding the department may select.

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George H. Cunningham.

CHARGE 1: Bridge, railroad and car burning.

Specification.—In this, that on the night of the 20th of December, 1861, the said George H. Cunningham with other persons unknown did unlawfully within the Military District of North Missouri burn and destroy one railroad bridge known as the Sturgeon bridge and also one other railroad bridge known as the Long Branch bridge, and certain railroad ties, rails, tanks and cars, which bridges, rails, ties, tanks and cars formed a part of the common traveled way known as the North Missouri Railroad. This in violation of martial law prevailing in the said Military District of North Missouri and in the State of Missouri.

CHARGE 2: Giving aid and comfort to bridge and railroad burners.

Specification 1.—In this, that the said George H. Cunningham did on the evening or night of Friday, the 20th of December, 1861, meet with other parties unknown and plot the destruction of two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and certain ties, track, rails and cars being part of and appertaining to the North Missouri Railroad.

Specification 2.—In this, that the said George H. Cunningham did by his presence and advice upon the evening and night of Friday, the 20th of December, 1861, aid and assist and afford comfort and assistance to a party of armed men who on the night of Friday, the 20th of December, 1861, burned and destroyed two railroad bridges, to wit, the Sturgeon bridge and the Long Branch bridge, and the track or a portion thereof of the North Missouri Railroad and sundry cars upon the said track.

CHARGE 3: Treason against the Government of the United States.

Specification.—In this, that George H. Cunningham did assume an attitude of open rebellion against the Federal Government by taking up arms against the same and by assuming and exercising the functions, duties and powers of a soldier or officer in the rebel army within the limits proper of the State of Missouri from and after or about the 19th day of December, 1861.

To which the prisoner pleaded:
To the first charge, not guilty.
To the second charge, guilty.
To the third charge, guilty.
The commission finds the prisoner:
Of the first charge and specification, guilty.
Of the second charge and specifications, guilty.
Of the third charge and specification, guilty.
And does therefore sentence him, George H. Cunningham, to be shot to death at such time and place as the major-general commanding the department shall direct.

* * * * * * *

II. The findings of the commission on all charges of treason are disapproved as such charges were not triable by a military commission. (See Rule 6, announced in General Orders, No. 1, current series, from these headquarters.) The other findings on other charges in the cases of John C. Tompkins, William J. Forshey, John Patton, Thomas M. Smith, Stephen Stott, George H. Cunningham, Richard B. Crowder and George M. Pulliam are approved, and the sentences awarded them will be carried into effect at the time and place to be hereafter designated by the general commanding the department. Brig. Gen. B. M. Prentiss will notify the prisoners of the decision of the commission in their respective cases and warn them to prepare for the execution. He will see that the prisoners are thoroughly guarded so as to prevent the possibility of escape. Any one attempting to escape will be instantly shot down.

The remanding to prison in the cases of James H. Benedict, Thomas Benedict, James W. Rumans, Ransom Batterdon, James P. Tuggle, George H. F. Jones, James R. J. Jones, John S. Mitchell, Austin Crisman and John Powell to be held as prisoners subject to the orders of

the department commander is approved, as their cases "must be tried by courts duly constituted by law." (See Rule 6, announced in General Orders, No. 1, headquarters Department of the Missouri, 1862.)

The action of the commission in the cases of Sterling Coulter, Albert Pulliam, Robert M. Hannah, Samuel Croff, Barzillia Powell and Lafayette Wright, viz, ordering their release after administering to each the oath of allegiance, was improper. These prisoners should have been remanded to prison and kept there until their cases had been submitted to and acted upon by the officer commanding the department.

When several persons are to be tried by the same court-martial or commission upon different charges the court or commission should be re-sworn at the commencement of each trial, and the record of each case made up separately.

By order of Major-General Halleck:

JNO. C. KELTON,
Assistant Adjutant-General.

Trial of John W. Owen for bridge-burning, destroying railroads, etc.

A military commission of which Lieut. Col. Samuel A. Holmes is president convened at Wellsville, Mo., pursuant to Special Orders, No. 28, namely:

SPECIAL ORDERS, No. 28. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *Saint Louis, January 10, 1862.*

The order for the military commission to meet at Wellsville by Special Orders, No. 17, on January 8, 1862, current series from these headquarters, is hereby revoked and the following detail substituted, to meet on Monday, January 13, 1862, at 10 o'clock, or as soon thereafter as practicable, for the trial of such persons as may be brought before it: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Surg. Thomas O. Edwards, Third Iowa Volunteers; Capt. Martin Armstrong, Eighty-first Ohio Volunteers, who will act as judge-advocate and recorder. The Commission will meet without regard to hours.

By order Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SAINT LOUIS, *January 15, 1862.*

Brigadier-General SCHOFIELD:

The military commission ordered to meet at Wellsville is authorized to sit at any point on the North Missouri Railroad which may be designated by Brigadier-General Schofield.

H. W. HALLECK,
Major-General.

WARRENTON, *January 15, 1862.*

Major HESCOCK:

If General Halleck authorizes the commission to go to Danville telegraph to Colonel Morton. Let Mr. Gamble have the engine.

J. M. SCHOFIELD.

DANVILLE, MONTGOMERY COUNTY, MO.,
January 28, 1862.

The commission met pursuant to adjournment and the foregoing orders.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio Volunteers.

John W. Owen, the accused, also present.

The judge-advocate, having read the order convening the court asked the accused John W. Owen, if he had any objection to any member named therein; to which he replied, "I have not." The commission was then duly sworn by the judge-advocate and the judge-advocate was duly sworn by the presiding officer of the commission in the presence of the accused.

The accused, John W. Owen, here begged the privilege of introducing Walter L. Lovelace, esq., as his counsel which was granted by the commission.

The charges were then read aloud by the judge-advocate, as follows:

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said John W. Owen on or about the 20th day of December, 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad track, ties, bridges, depots and other buildings of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said John W. Owen on or about the 20th day of December, 1861, in the counties of Audrain and Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph poles and wires of the U. S. military telegraph along the line of the North Missouri Railroad in the said counties of Montgomery and Audrain contrary to the laws and customs of war in like cases.

CHARGE 3: Aiding and abetting in the destruction of railroads.

Specification.—In this, that the said John W. Owen on or about the 20th day of December, 1861, in the counties of Audrain and Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did wilfully, unlawfully and maliciously meet with certain unlawful and armed bands and advised and counseled the destruction of the North Missouri Railroad track, ties, bridges, buildings and other property of the North Missouri Railroad Company, and did then and there in pursuance of such advice give aid and assistance to said persons in the destruction of said railroad contrary to the laws and customs of war in like cases.

CHARGE 4: Falsely assuming the character of a military officer.

Specification.—In this, that the said John W. Owen on or about the 15th day of December, 1861, and for a long time thereafter in the counties of Audrain and Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did wilfully and falsely assume and adopt the character of a military officer and did then and there falsely represent and pretend that he was duly commissioned and qualified to act as a captain in the belligerent forces at war with the United States, and then and there in such assumed character did commit and incite others to commit acts of hostility against the United States and the property of citizens thereof contrary to the laws and customs of war in like cases.

M. ARMSTRONG
Captain and Judge-Advocate.

The judge-advocate then asked the accused, John W. Owen: "You have heard the charges preferred against you; how say you, guilty or not guilty?" To which the accused, John W. Owen, pleaded as follows:

To specification, first charge, not guilty.
To first charge, not guilty.
To specification, second charge, not guilty.
To second charge, not guilty.
To specification, third charge, not guilty.
To third charge, not guilty.
To specification, fourth charge, not guilty.
To fourth charge, not guilty.

The commission then proceeded in the examination of the case of John W. Owen, as follows:

Col. THOMAS MORTON, Eighty-first Ohio Volunteers, being produced, duly sworn and examined on the part of the United States testifies as follows:

I am in the military service of the United States. I rank as colonel commanding the Eighty-first Ohio Volunteers, U. S. Army. I know the prisoner, John W. Owen. I met Mr. Owen somewhere in Callaway County about the 28th day of December, 1861. I did not see Mr. Owen at the time he was captured on the 28th of December, 1861. I learned that we had captured a man of the rebel forces, and the first time I saw Captain Owen I saw him with Major Hescock. I know that he (Captain Owen) was placed in arrest. He was placed in the hands of one of the captains of the Tenth Missouri Regiment as a prisoner of war. I believe he was taken along that day and on the first morning after the arrest there was a complaint made to me by divers persons of the treatment of the prisoners. I relieved at this time Captain Lanius of all other duties and placed the prisoners in his charge and among them Capt. John W. Owen, and from that time on I had charge of them during the campaign. I saw the captain frequently every day during our campaign. I spoke to them as I passed during the campaign. After we had stopped the march I had opportunity to talk with the prisoners. I began an investigation of their cases. I had a conversation with Capt. John W. Owen at this place (Danville). The prisoners were then in my exclusive charge. I sent for Captain Owen to come to my quarters. I had a long talk with him. In that conversation he admitted to me that he ranked as a captain, the commanding officer of twenty-seven men in the rebel service, whom he had recruited for Price's army. He also stated that he had joined Colonel Dorsey's command about the 26th of December, and on his return home for the purpose of procuring clothing for his men he met our forces and was arrested. He stated he was not in the fight but presumed that his men were. I think the admissions that the captain made to me were freely made. I used no force to my knowledge. They were freely made and I think substantially true. He stated to me also that he and his men were engaged in the destruction of the North Missouri Railroad. If I understood the captain right he stated to me that he and his men had charge of a separate section of the road to destroy it; that they did destroy this section and justified the act by saying, "I acted according to military orders;" that he understood the orders were from General Price; that he received his orders (written) from Lieutenant Jamison, and that they came from Quartermaster Norton, who lives in Callaway County. He thinks he ranks as lieutenant-colonel but is not positive. He stated that this written order directed him to take charge of and destroy a certain specific division he and his command were to act upon. He also stated that he and some of his men were opposed to the destruction of the railroad but that they obeyed as a military necessity. He also stated that the tools they used in the destruction of the railroad were furnished by his men. They got some from blacksmith shops. I remember about his telling me that he got a crowbar made to his special order split at the end, suited to draw spikes. The blacksmith who made it was a member of his company. The captain appeared free to give me all information as to what he had done.

Question. When and where did he tell you these men were raised?

Answer. I think he said he had enlisted his men about the 13th of December, 1861. He said he had enlisted some at Williamsburg, some on the borders of Hancock Prairie.

Question. Did he tell you when he had received his instructions for the destruction of the road?

Answer. He told me he had received his orders written from Lieutenant Jamison; that they came from Quartermaster Norton. I do not know when or where he received them. He did not tell me.

Question. Did you understand from him as to whether he raised his men before or after he received the orders for the destruction of the railroad?

Answer. I did not ask that question nor did I hear it answered. I understood from the conversation that he had raised a part of his men before he had received the orders to destroy the railroad. I will also state that he told me he had not been in the rebel service previous to this except that he had been in Jones' command at Fulton. I asked him where they had been in the habit of having their meetings and

he answered that they had had but two meetings before they started on this expedition. He did not tell where those meetings were held. He told me that he and his men met at a sugar camp near Wingfield's Saw-Mill the night before they went to destroy railroad. I understood that that meeting was the same night that the railroad was destroyed. He stated to me that his orders were to destroy a specific division of the North Missouri Railroad between Wellsville and the city of Mexico. I think he stated that his division or section was the second one from Wellsville toward Mexico. I don't think he stated whether the men were armed or not.

Question. By whom did Captain Owen say his men were sworn in?

Answer. I do not remember the man's name who swore them in. He gave the name. I took it down in writing.

Question. Did he describe to you the manner in which he and his men destroyed the railroad?

Answer. He said that they had crowbars with forks on the end to draw the spikes; that they sprained the rails, burned the ties and tore up the culverts.

Question. Did he state to you that there were others engaged with him besides his men in the destruction of the railroad?

Answer. I asked him if another man did not command a party operating on the railroad from Wellsville to Martinsburg. He answered that there were other persons engaged in the destruction of the road. His orders were to a specific division of the road. Others were above him.

Question. Did he state to you whether there was any concerted plan for the destruction of the road? If so what did he state about it and what was it?

Answer. He did not. I did not ask him whether he had any conversation with any others, for I was satisfied in my own mind that he had.

Cross-examination by DEFENDANT:

Question. Did not Owen state that he had enlisted his men on the 13th and received orders to tear up the railroad the Wednesday before the road was torn up, which was Friday, the 20th?

Answer. He did not state that he enlisted his men on the 13th instant. He said they were sworn in on the 13th. It is not my recollection that he stated to me the date of his orders for the destruction of the road. He might have told me but I do not recollect.

Question. Did you understand by the expedition spoken of the tearing up of the road or what transpired since?

Answer. I asked him where they had been in the habit of holding their meetings. He answered that they had had but two meetings previous to starting, and I inferred that he meant previous to going to join Dorsey's command. I understood that one of those meetings was for the purpose of being sworn in and that the other for the purpose of destroying the said road.

Question. In speaking of divisions of the road did he say how long the divisions were?

Answer. He did not.

Question. Did he not state that his division should begin as near Wellsville as practicable?

Answer. It is not my recollection that there was anything said about it by him to me.

Question. Did he state how he was ordered to tear up or destroy the road?

Answer. I do not think he said anything about it.

ROBERT G. MCLEAN, assistant surgeon of Eighty-first Ohio Volunteers, being produced, duly sworn and examined on the part of the United States testifies as follows:

Question. Do you know the prisoner here present—John W. Owen?

Answer. I know him when I meet him.

Question. You recognize him as being a prisoner held here in custody?

Answer. Yes. I know him as having represented himself as being Capt. John W. Owen of the rebel service.

Question. Were you present at any time when Colonel Morton had conversation with the prisoner?

Answer. I was present once when Colonel Morton questioned him pretty thoroughly and noted down his answers.

Question. State then what was the nature of that conversation.

(The witness, here referring to the memorandum then taken for the purpose of refreshing his memory, testified as follows:)

He said: "My name is John W. Owen. I was arrested in Callaway County; belonged to Colonel Dorsey's command; was captain of a company; had twenty-seven men. Joined Dorsey's command on the 26th of December, 1861. Recruited my men in Callaway County. I was not in the fight at Mount Zion; my men were, I suppose. Our object was to go to Price's army. I was not out previously, except in Colonel Jones' command, of some time back (this was at the time the compromise was made between Jones and Henderson). My men were principally from Williamsburg and vicinity, and were sworn into the service on the 13th of December, 1861, on the farm of Thomas Anderson, three and a half miles south of Williamsburg, at a vacant house. I know Captain Meyers by sight. Had only two meetings of my company before starting out. I am acquainted with James Owen; he is an uncle of mine, and was a member of my company; he brought his own gun with him. I know James England; he is a reliable man, and is reported a Union man. I know Dr. John B. Gregory, and know from report he is a Union man. I know William Garrett; think he has never been in the rebel service; I think he had a son in it. Henry Hall lives east of south of Williamsburg, on Hancock Prairie; I do not know how he stands. I know his son-in-law, John Crawford. George McMahon was a member of my company; I think he is a son of Jesse McMahon. I know Joseph Everheart. John Williams was in the rebel army some three months, but has returned. James Anderson's son Watt is said to have been in Price's army; also his grandson, Thomas Norfolk Anderson. I suppose they are in the army still. Leroy Owen, my cousin, was in my company. We got most of the tools used in destroying the railroad from members of my company, some from blacksmiths' shops, some of them from Walker F. Field, a blacksmith, who was in my company. I was acting under military orders. My orders (written) were delivered to me by Lieutenant Jamison. They came from Quartermaster Norton. I think he lives in the western part of Callaway County, and think he ranks as lieutenant-colonel. My orders were to a specific division of the road. Lieutenant Jamison lives in the northern part of Callaway County. My orders were signed by Quartermaster Norton, by order of General Price. My company operated by itself. Myself and some of men objected to the work but obeyed as a military necessity. We met at a sugar camp near Wingfield's Saw-Mill, seven or eight miles from the railroad."

Question. Did Captain Owen say where he resided? and if so where?

Answer. I think he said he resided near Williamsburg.

Question. Did you understand him to state that he had never been in military service except his going out with Jones?

Answer. I think that was his statement.

Question. Did he state when he was out with Jones?

Answer. Not definitely. He referred to the time when the compromise was made between Henderson and Jones.

Question. Did he claim that that was the only time or instance in which he had taken up arms except this late affair?

Answer. I so understood him.

Question. When according to his statement did he again claim to recognize the instructions of a military officer?

Answer. About the 13th of December, 1861.

Question. Will you explain by what authority and in what capacity he claimed to be acting.

Answer. By authority of General Price.

Question. Did he claim to be acting by the authority of General Price in the raising of his company or in the destruction of the railroad?

Answer. He did not state as to that. He claimed to be raising his company for Price's army.

Question. Did he claim to have or did he produce any military commission or authority?

Answer. Nothing written. He claimed verbally that he had the authority.

Question. What I mean is did he claim to have a regular commission?

Answer. He did not claim to have a regular commission.

Question. What was the particular authority through which he claimed to be acting?

Answer. As far as the destruction of the railroad was concerned he claimed to be acting [under] the orders of General Price transmitted regularly through other officers to him.

Question. You say that he stated he had but two meetings of his company before starting out; starting where?

Answer. Starting to join Price.

Question. Did he state to you the purpose of either of these meetings?

Answer. He did as to one of them—the meeting in the sugar camp near the saw-mill—which meeting he said he held for the purpose of adopting measures for the destruction of the North Missouri Railroad.

Question. Did he state to you what followed upon the meeting and consultation at Wingfield's Saw-Mill?

Answer. That they proceeded to do the work assigned to them in destroying the railroad.

Question. Did he state to you how many men were engaged with him in that enterprise?

Answer. I don't think he did definitely.

Question. Did he claim to have any direction or command in the work of destroying the railroad?

Answer. He did not say directly that he had command. He said he was averse to the work and so was some of his men.

Question. Did he show or did he claim to have in his possession any written orders?

Answer. Not in any way; some saying his orders were written.

Question. Did he offer to show any?

Answer. He did not.

Question. Did he claim that any one else had assisted him in recruiting these men?

Answer. He did not.

Question. When did he claim to have received those orders—before recruiting these men or afterward?

Answer. He did not specify any further than having the order to destroy the railroad. I would say in Captain Owen's favor that he distinctly scouted the idea of having any connection with Cobb and such jayhawkers. He disclaimed any participation with them.

Question. Did he claim to have any commission or authority before proceeding to recruit these men?

Answer. He did not that I recollect of.

Cross-examination by DEFENDANT'S ATTORNEY:

Question. Did he state whether he actually destroyed the road or that he only collected his men for that purpose?

Answer. He stated that they assembled at the sugar camp near Wingfield's Saw-Mill for the purpose of destroying the road and after they did their work dispersed.

Question. You say he did not show any written orders? Did he not say that his papers were in his trunk and that he had destroyed the order to burn the road?

Answer. To the best of my recollection he did so state.

Re-examination by COMMISSION:

Question. Did he state why he had destroyed the order to burn the railroad?

Answer. He did not state why.

The testimony on the part of the United States is hereby closed.

Testimony on the part of the defense:

MARSHALL BOSWELL, being produced, duly sworn and examined on the part of the defense testifies as follows:

Question. Are you acquainted with the defendant—John W. Owen?

Answer. Yes, sir; I am somewhat acquainted with him.

Question. Were you present at Thomas L. Anderson's, at the Nine-Mile Prairie, on or about the 13th of December last?

Answer. I was.

Question. Did you see the defendant there at that time?

Answer. I did.

Question. Will you state what you saw and heard about the defendant's raising and mustering in a company into Price's service on that day.

Answer. There was a company raised there by a gentleman from Price who said he was a recruiting officer. Mr. Owen then was elected captain by that company. They were sworn into the service by the same gentleman.

Question. What was the gentleman's name?

Answer. His name was Grant. I do not know what his given name was.

Question. For what period were they sworn in?

Answer. For twelve months.

Question. Did you know whether this Mr. Grant was authorized to swear in men or by what authority he swore them in?

Answer. I don't know that I do.

Question. Did you hear him state on that day what his authority was?

Answer. Well, his authority was from Price was all I know about—was all I heard about it.

Cross-examination on the part of the UNITED STATES:

Question. Where did you reside at the time of the meeting spoken of?

Answer. In Callaway County, northeast part, in Nine-Mile Prairie Township.

Question. How far from Williamsburg?

Answer. About six miles northeast from Williamsburg.

Question. How far from the place where you were sworn in?

Answer. I should reckon about nine miles.

Question. How long have you resided there?

Answer. About twelve or fourteen years—twelve years I reckon.

Question. Where does this prisoner reside?

Answer. I believe he lives in Williamsburg when he is at home.

Question. How long has he lived there?

Answer. Well, you are too hard for me now; I could not tell you how long he has lived there—six or eight months I know.

Question. When and where did you first become acquainted with him?

Answer. In Williamsburg; this summer—in June or July—somewhere along there.

Question. How did you happen to become acquainted with him?

Answer. I could not tell you now. I was acquainted with some of his connection and I think I became acquainted with him through them.

Question. Did you first see him in Williamsburg?

Answer. Yes.

Question. Had you any business then with him?

Answer. No, sir.

Question. How often did you see him after that?

Answer. I don't know that I ever met him but once and that was when they took him prisoner.

Question. Where did they take him prisoner?

Answer. I am not much acquainted with the place where they took him.

Question. You met him then though?

Answer. Yes, sir.

Question. Was you with him there?

Answer. No, sir.

Question. How did you meet him then?

Answer. I was with him in the ranks as a prisoner.

Question. Then those were the only times you ever saw him?

Answer. O, no; I saw him several times before that in Williamsburg.

Question. Then you frequently saw him in Williamsburg?

Answer. Some several times. I never went to Williamsburg very often.

Question. Has he a family residing in Williamsburg?

Answer. He says he has one living there.

Question. What is his business there?

Answer. I think he is a wagon-maker by trade. I never saw him to work at it.

Question. When did you last see him in Williamsburg?

Answer. The last day I recollect of seeing him there was the day he was sworn in—on the 13th of December.

Question. He had continued to reside there up to that time so far as you know?

Answer. Yes, sir.

Question. How far is the place where you were sworn in from Williamsburg?

Answer. Something like three miles—at Thomas Anderson's so said.

Question. Did you go there with him?

Answer. No, sir.

Question. Who asked you to go?

Answer. I went of my own accord.

Question. Anybody go with you?

Answer. There were several went.

Question. Was the prisoner one of them?

Answer. No, sir.

Question. How many went with you?

Answer. I suppose some four or five.

Question. Did the prisoner know you were to be there?

Answer. No, sir.

Question. Did you know he was to be there?

Answer. No, sir.

Question. Was he there when you got there?

Answer. Yes, sir.

Question. Who else did you find there?

Answer. I found Mr. John Owen, Mr. Shull, William Meyers, Bently Hays and Mr. Swerenger there. Men by the name of Grant, Hays and Shull went with me. I don't remember the others who went with me; I know them when I see them.

Question. Did you know that the defendant was to be there when you went?

Answer. No, sir.

Question. Where did you go from?

Answer. From home to Williamsburg; from Williamsburg to that place.

Question. Did you see the defendant in Williamsburg that day?

Answer. I saw him on that day—in the evening, an hour by sun. After we went over to this place he came before or after me I don't know which.

Question. What was your object in going to this place?

Answer. There was said to be a meeting there.

Question. What was your object in going there?

Answer. I understood there was to be a meeting; that was all I know about it. I understood after I got there that they were going to raise troops; that there was a recruiting officer there; and that was the intention.

Question. You learned that after you got there?

Answer. Yes.

Question. Did you know there was a recruiting officer there before you went or on the way?

Answer. No, sir.

Question. How many joined there?

Answer. I think some twenty or twenty-five were sworn into the company.

Question. Anything said about what you were to do?

Answer. Not that I understood.

Question. Did the men have arms? All without arms?

Answer. Yes, sir.

Question. Was anything said there about destroying the railroad?

Answer. No, sir.

Question. When did you first hear about that?

Answer. I never heard of it until after it was done; nothing was said about it there. They read a piece of paper there, as to what was called for; Grant read it; it called for men to go to Price; a kind of handbill. If there was any other I don't recollect of seeing them. It was I believe Price's proclamation. If Mr. Owen read any paper to the crowd I did not hear or see it. I saw Grant have and read a paper—they were those handbills I suppose; I saw no other.

Question. How long did you stay there?

Answer. We staid there three or four hours.

Question. Where did you go to then?

Answer. I and a good many others came back to Williamsburg and the rest went home I reckon; I don't know where they went.

Question. Where did Owen go?

Answer. I suppose he went to Williamsburg.

Question. Where did you next meet?

Answer. The company and I never met together any more. I don't know of his company meeting together again. I did not enlist in it. After the meeting I next saw Owen a prisoner going up to Mexico. I did not see him after the meeting until I saw him a prisoner.

Question. Who is this Mr. Grant and where does he live?

Answer. I believe he was raised in Fulton, Callaway County. I don't know his name.

Question. Did you know him?

Answer. I never saw him until that day that I know of.

Question. Was he dressed in citizens' clothes?

Answer. I can't say; I think he was dressed in citizens' clothes.

Question. Did he live in Fulton then and [does he] now?

Answer. He had just got back from Price the way I understood him; I was not sworn in by him.

Question. Were any sworn?

Answer. All of the company, I suppose. I could not tell what the oath was. I saw Grant swearing them; I believe it was to support the State of Missouri; I could not recollect the whole of it.

Question. What did he tell them he wanted done?

Answer. He wanted them to go to Price.

Question. Did they go?

Answer. I don't know whether they did or not.

Question. Did you hear of their meeting together again?

Answer. I don't know that I ever did; I don't know that some of them were engaged in destroying the railroad. I heard Bently Hays say he was in it himself.

Question. Did you ever hear Owen speak about it?

Answer. If I have I don't recollect it. Before the railroad was destroyed I never heard it whispered; never heard of any orders until after it was burned.

Question. Did you ever hear of Mr. Owen claiming to be captain until after that meeting?

Answer. No, sir. He was living in Williamsburg up to that time.

Question. Has he ever been out to join Price?

Answer. I don't suppose he has.

Question. Did he then claim to have any commission?

Answer. Not that I know of, sir, more than that he was elected captain; that was all the commission I knew of.

Question. Did Mr. Grant show any commission?

Answer. He did not show any to me or read any in my presence.

Question. Where were you the night the road was torn up?

Answer. I was at home.

Question. Were you enlisted in any company?

Answer. Yes, sir.

Question. Whose?

Answer. Captain Meyers'.

Question. Where did you enlist?

Answer. At the same place I have been speaking of—Thomas Anderson's.

Question. This same night?

Answer. This same day.

Question. Where did you go to from there?

Answer. To George Harvey's, west of here about seven or eight miles and five or six miles north of Williamsburg. I left there then. I don't know how long they staid; I went home. Did not hear them say about going to destroy the railroad.

Question. Where did you next join them?

Answer. I was with them in the company a little while on the road from Coyle's Store to Todd's Mill in Callaway County, on the Clarksville road southwest of the railroad and eight or nine miles from the town of Wellsville.

Question. When was it?

Answer. Five or six days after I joined and late in the evening before the road was torn up; it had not then been torn up. I was with them but a very few minutes; I was on my way home; I went home that night. They did not tell me what they were going to do.

Question. Did you join them again?

Answer. Yes; the evening before we came down here.

Question. Where were you taken prisoner?

Answer. Some three or four miles below here; Meyers' company outran me.

The commission here adjourned to meet at Danville Wednesday, January 29, 1862.

—

DANVILLE, *January 29, 1862.*

The military commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio Volunteers.

John W. Owen, the accused, also present.

Whereupon said commission proceeded in the further examination of the case of the said John W. Owen as follows:

BENTLY HAYS, a citizen of Callaway County, being produced, duly sworn and examined on the part of the defense testified as follows:

By PRISONER'S COUNSEL:

Question. Are you acquainted with the prisoner?

Answer. I am not very well acquainted with him. I never saw him but once before I was brought here a prisoner.

Question. Where was he at that time?

Answer. He was about five miles the other side of Williamsburg at a house.

Question. Who was said to be the owner of the house?

Answer. I do not recollect the name of the owner.

Question. Would you recognize the name if you were to hear it?

Answer. I don't know, sir, whether I would or not; I don't know that I ever heard the name before.

Question. Was it Thomas Anderson?

Answer. It appears to me that it was some such name as that but I could not swear that it is the name.

Question. In what direction from Williamsburg was this house?

Answer. I think it was rather a southwest direction.

Question State what took place there in relation to mustering troops into Price's service.

Answer. There were men met there on that day for the purpose of being sworn in to fight for Price. I know there were several sworn in.

Question. Was Captain Owen among the number sworn in?

Answer. Yes, sir; I think he was.

Question. Did any company organize on that day by electing officers, &c.?

Answer. Yes, sir; there was.

Question. Well, state who they elected as officers.

Answer. The company that was sworn in for twelve months—the company in which Owen was sworn—elected Mr. Owen as captain. I don't recollect the others elected.

Question. Who swore this company in?

Answer. I do not know.

Cross-examination by the COURT:

Question. Where do you live when at home?

Answer. I live in Callaway County about seven miles rather northeast of Williamsburg.

Question. How long have you lived there?

Answer. I was born there and have lived there almost ever since. I am a farmer.

Question. Where does Mr. Owen live?

Answer. I don't know where he lives. I never was at his house; never heard any person say where he lived. I never saw him that I know of before I met him at this house and have never seen him since except as a prisoner.

Question. What time of day did you meet at this house?

Answer. I judge about 12 o'clock. The house was a vacant house; I saw no other houses in the neighborhood.

Question. How came you to go there?

Answer. I went out there to be sworn in.

Question. How came you to go to that particular place?

Answer. I started to the Burg and when I got there I heard that the meeting was at that house. I had heard before that there was to be a meeting at the Burg and when I got there I was told that the meeting was to be at that house. Mr. Shull told me first that there was going to be a meeting at the Burg. He told me that they were going to get men to go out to fight for Price and asked me if I would go. I think it was the 13th that I went and he told me of the meeting the day before. Shull lives this side and to the right of the Burg about a mile. We were at a hog-killing at the time. He was at that house on that day, the 13th.

Question. Did you go from Williamsburg alone?

Answer. No, sir. I judge there were ten or twelve went with me—Mr. Schull, Swerenger, Benjamin Gee; these are all I can recollect—the first are residents of my neighborhood, the others were from and about Williamsburg.

Question. When you got to the house who did you find there and what was done?

Answer. There were not many men that I was acquainted with there. There was right smart of men; I think between 50 and 100. Captain Meyers made a speech; there was another made a speech. It was not Grant. Captain Meyers swore us in. There was not anything said about destroying railroads that I heard. I did not hear about the destruction of the railroad until we started to destroy it. There was I believe a proclamation read there from Price; I heard no other papers read.

Question. Where does Meyers live?

Answer. I think he lives down in some of these lower counties. Never saw him before this winter that I know of.

Question. How long did you stay at that house?

Answer. About two hours. A few came after I got there. I judge they lived close around the house; I don't know where.

Question. Did the men sign their names to any paper?

Answer. I did not see any sign nor did I see anybody take down names. I judge they ought or they would not know who was sworn in. We stood up in single line when we were sworn. I don't recollect the oath we had to take. Mr. Meyers swore in the company that joined for six months. I don't know who swore in the other; none of the men there on the ground. There was no one there with military uniform on. The men had no arms.

Question. Did the men separate or go away in bodies?

Answer. The men separated and went home when I did. The meeting broke up and went off in small parties. I don't know whether Owen staid till they broke up.

Question. When did you next see Owen?

Answer. Not till he was taken prisoner.

Question. Where did you next meet with your company?

Answer. In Mr. Laile's pasture, five or six miles from Wellsville and northeast from Williamsburg.

Question. Who told you to go there?

Answer. Mr. Meyers told me the same night we enlisted at a dance at George Harvey's, close to where I live.

Question. When was it you met at Laile's?

Answer. The day before the railroad was torn up. I saw him the next day after I was sworn in at a sale at Mr. Sigler's; next saw him at Laile's pasture; those were the only times. He did not tell me he was going to tear up the railroad when at Sigler's. We never had any meeting of the company until we met at Laile's. I did not know that we were going to tear up the railroad until we got to a brick-kiln near Wingfield's about five miles from the railroad.

Question. Did you hear of Captain Owen's company after you were sworn in?

Answer. I did not; don't know whether they had any meetings.

Question. When you were sworn in was there any place appointed for you to meet again?

Answer. There was not.

Question. When did your company commence tearing up the road?

Answer. At the section-house between Montgomery and Wellsville, about four miles east of there. I guess there were about twenty-five men. We worked toward Wellsville, burnt up part of the ties and broke part of the rails and burned the depot at Wellsville. We staid two hours at Wellsville.

Question. Where did you go then?

Answer. A part came to Montgomery City and went home and a part went home from Wellsville. They went home just as soon as they pleased after the work was done—part of them did. Meyers ordered his men to go to Montgomery City and a part went; I did. When they got to Montgomery City they dispersed. They got together since that at the same house in Laile's pasture, since the day before Christmas. From there they went to Williamsburg—about sixty men. Went from there to Danville, then back to Williamsburg. I did not see Captain Owen or his company at either of these places. Cobb's company was here when we got here. I don't know where Owen's company was. From Williamsburg went to Mount Zion Church. I don't know of Owen's company being at Mount Zion Church and did not hear of their being there. My company broke up after the Mount Zion fight.

Question. Were there any men helping you at Wellsville beside your company?

Answer. Yes, sir; I think there was but I don't know their names.

Question. People who had gathered in?

Answer. Yes, I judge so; gathered from around about Laile's. Laile's son was at Wellsville.

There being no other witnesses present the defendant by permission of the commission prayed that the case be continued to enable him to procure the attendance of absent witnesses and in support of his application filed his written affidavit (marked Exhibit A), which is herewith returned. The court having maturely considered the said application and said affidavit refuses the same. The further hearing of this case is adjourned to February 1, 1862, at 9 a. m.

DANVILLE, *February 1, 1862.*

The commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio Volunteers.

The accused, John W. Owen, also present.

The counsel for the defendant here asked the court to receive in evidence the published letter of General Price to General Halleck as to the fact of his (Price) issuing the order for the destruction of the railroad, praying also that the commission would take official notice of the reply of General Halleck. The court consented to take notice of said correspondence, a printed copy of which is attached to the proceedings.* Hereupon the commission adjourned the further hearing of the case until Tuesday, February 4, 1862.

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DANVILLE, MO., *February 4, 1862.*

The commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. Martin Armstrong, Eighty-first Ohio Volunteers, judge-advocate.

The accused also present.

This case was here adjourned until February 5, 1862.

—

DANVILLE, MO., *February 5, 1862.*

The commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, Eighty-first Ohio Volunteers, judge-advocate.

The accused also present.

The testimony in this case was here closed and the counsel for the defense asked time to file the written statement of the accused. The commission granted him until Friday, February 7, 1862, 9 a. m., whereupon said case of Owen was continued until February 7, 1862, 9 a. m.

—

DANVILLE, MO., *February 7, 1862.*

The commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, Eighty-first Ohio Volunteers, judge-advocate.

The accused, John W. Owen, also present.

The statement of the prisoner was read by his counsel and is hereto annexed and made a part of these proceedings, marked Exhibit B.

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*Not found attached to proceedings, but see Price to Halleck, p. 255, and Halleck to Price, p. 258. Also see Special Orders, No. 14, p. 238.

The case is here submitted to the court. The proceedings were read over and the statements of the parties being thus in possession of the commission the court was cleared for deliberation and having maturely considered the evidence adduced find the accused, John W. Owen, as follows:

Of specification, charge 1, guilty.
Of charge 1, guilty.
Of specification, charge 2, guilty.
Of charge 2, guilty.
Of specification, charge 3, guilty.
Of charge 3, guilty.
Of specification, charge 4, guilty.
Of charge 4, guilty.

The commission do therefore sentence the said John W. Owen to be shot to death at such time and place as the commanding general shall appoint.

The above is a true and complete record of the proceedings, finding and sentence of the military commission in the case of John W. Owen.

SAMUEL A. HOLMES,
Lieutenant-Colonel and President of Commission.
M. ARMSTRONG,
Captain, Judge-Advocate and Recorder Military Commission.

Finding approved.

The sentence awarded will be carried into effect at a time and place to be hereafter designated by the general commanding the department. In the meantime the prisoner will be kept in close confinement in the military prison at Alton.

H. W. HALLECK,
Major-General.

EXHIBIT A.

STATE OF MISSOURI, COUNTY OF MONTGOMERY:

John W. Owen says upon oath that he cannot safely proceed to trial for want of material evidence; that he can prove by Norton who is an officer in Price's army that an order was regularly sent to this department by his superior officers requiring him to destroy a certain portion of the North Missouri Railroad; that he can [prove] the same thing by [Lieutenant] Jamison who is also an officer in Price's army; that he believes said facts to be material to the issue and that he cannot prove them by any witness now present, and he believes if a reasonable time is allowed he can procure the attendance of said witnesses. He further states that he can prove by Maj. Henry Hescock, of the U. S. Army, that after the arrest of defendant and before he made any confession that Major Hescock in whose charge he then was told defendant that he ought to make a clean breast of it and tell everything and it would be better for him; that he would be better treated and fare better in every way; and under the influence of said promises his confessions were made; that he believes the evidence of Major Hescock can be procured in a reasonable time.

JOHN W. OWEN.

Subscribed and sworn to before me this 29th day of January, 1862.
SAMUEL A. HOLMES,
President of Military Commission.

EXHIBIT B.

In cases of this kind where the life of the prisoner is being adjudicated before a court it is but reasonable that all the mitigating circumstances in the case should be brought to bear in his favor, and that justice, even though it should demand extreme penalties, should be administered in mercy, and for this purpose the law has provided many safeguards and gives the prisoner the advantage of all doubts that may arise in the evidence; and in this case if the evidence is examined with due regard to the cautions and safeguards of the law it will be found that if the prisoner is not exculpated from blame, he at least ought not to be convicted of the charges preferred against him. There are four specific charges with appropriate specifications under each charge made against the prisoner. Charge No. 3, however, of this series is clearly included in charges Nos. 1 and 2, upon the principle that the greater includes the less, and there is little danger of any confusion in these charges, for the plain reason that the only evidence relied on is intended to prove the main fact contained in charge and specification No. 1, to wit, "destroying railroad and railroad property," and this evidence of such character that it forbids the idea of "aiding and abetting in the destruction of railroads," &c. And again, with regard to charge No. 2 and specification there is no evidence at all, so that it will be unnecessary to pursue the investigation in that direction. And with regard to charge No. 4 I imagine that the court are fully satisfied that the prisoner has as good right to the title which he assumed, to wit, that of captain, as any man in Price's army. The character of a military officer in a belligerent force at war with the Government could be of no injury to the Government, except so far as he might impose upon the enemies of the Government, and under the pretence of being an officer induce them to do acts hostile to the Government which they might otherwise not do. But this could not happen in this case, for the only persons he claimed to command were such as had elected him to the position he occupied; and they above all others knew the extent of his authority over them. It may be true as charged that he was not duly commissioned, but that is also true of a great many officers in all armies, especially when these armies are composed of volunteer forces. The companies once organized and their officers elected they seldom wait for these officers to receive their commissions before they go into actual service, and these misguided youths in North Missouri, whose zeal gets the better of their judgment in matters of the most vital importance pertaining to their country, their friends and themselves, are hardly the men from whom we could expect patient waiting for the mere formula of a commission, when they suppose they are otherwise ready. Then if any person claiming to be an officer in the rebel army by virtue of a commission from Price or Jackson has the right to insist upon being treated as a prisoner of war I can see no reason why this defendant may not claim the same privilege. Whatever title he may have assumed that title was well understood among those he attempted to control, and they were the only ones it could influence. So far then as the fourth charge and specification is concerned, I shall dismiss it without further comment, trusting the evidence adduced to vindicate the prisoner in the pitiful rights he may be entitled to by virtue of a negation of that charge. There now remains but one charge and the specifications under it to be disposed of. I say but one, for the second charge has no evidence whatever in support of it; no part of the evidence in this case relating to the destruction of telegraph or

telegraph wires. The only remaining issue then to which I wish to direct the attention of the court is that contained in charge No. 1 and the specification under it. This charge and specification is as follows:

Destroying railroads and railroad property.

Specification: In this, that the said John W. Owen on or about the 20th day of December, A. D. 1861, in the counties of Audrain and Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, ties, track and bridges, depots and other buildings of the North Missouri Railroad (so-called) contrary to the laws and customs of war, &c.

In support of this charge the only evidence introduced has been the defendant's own admission; and regarding these confessions as being properly before the Court (about which, however, there is some doubt) it becomes a question how much they of themselves can prove, or in other words whether a conviction can be founded upon bare confessions without any other corroborating proof. While at first blush it would appear that no sane man would make a confession convicting or tending to convict himself of high crimes or misdemeanors nevertheless the experience of ages has shown that confessions even when voluntarily made must be received with great caution, and this is especially the case on trials for capital offenses. Greenleaf, in his Treatise on Evidence (Vol. 1, Sec. 217), says:

Whether extra judicial confessions uncorroborated by other proof of the *corpus delicti* are of themselves sufficient to found a conviction of the prisoner has been greatly doubted.

Again, same section, the author says:

In the United States the prisoner's confession when the *corpus delicti* is not otherwise proved has been held insufficient for his conviction.

And the same author continues:

And this opinion certainly best accords with the humanity of the criminal code and with the great degree of caution applied in receiving and weighing the evidence of confession in other cases and it seems countenanced by approved writers on this branch of the law.

The authority here seems clear that not only the *corpus delicti* ought to be proven but that the confession ought also to be corroborated by other evidence. Wharton, in his American Criminal Law (p. 313), says:

A free and voluntary confession by a person accused of an offense whether made before his apprehension or after; whether on a judicial examination or after commitment; whether reduced to writing or not; in short any voluntary confession made by a defendant to any person at any time or place, is strong evidence against him, and if satisfactorily proved when there is proof of the *corpus delicti* sufficient to convict according to English rule without any corroborating circumstances. But in this country in particular there is a growing unwillingness to rest convictions on confessions alone.

Again, De Hart's Military Law, p. 382:

Confessions ought always to be received with caution, and a voluntary confession made by a person who has committed an offense is evidence against him upon which he may be convicted although the confession is totally uncorroborated by other evidence, provided the *corpus delicti*—that is this act constituting the crime—be proved.

Many other authorities might be produced on this point but what have been cited seem sufficient to my mind to establish the law beyond cavil that the *corpus delicti* must be proven before a conviction can be had upon mere confessions. And all the authorities that I have examined with one exception agree with singular unanimity that the con-

fession itself must be corroborated by other evidence before a conviction can be had. That exception is De Hart's Military Law, and that authority is clear that the *corpus delicti* must be proven by other evidence than the bare confession of the prisoner. Now what is the evidence upon which it is sought to convict this prisoner? It is deposed by two witnesses, Colonel Morton and Doctor McClain [McLean], and relates to the same conversation with the prisoner had in the presence of the two witnesses. In that conversation it seems that the prisoner confessed that he had raised a company of men or troops for Price's army, and that after he had raised this company and mustered them into Price's service he received orders to destroy a certain portion of the North Missouri Railroad, namely, a section of that road commencing above Wellsville and running in the direction of Mexico.

The crime then sought to be proven in this case is the destruction of that specific portion of the North Missouri Railroad; for surely if his confession could not be relied on as to the specific portion of the road destroyed it would hardly be sufficient to found a conviction upon. Then according to all authorities it must be proven that that specific portion of the railroad was destroyed by other evidences than the mere confession of the prisoner before a conviction can be had. Instead of proving that this specific portion of the road has been destroyed, however, it was not even attempted to be proven that any portion whatever had been destroyed. Now if the railroad has not been destroyed surely this prisoner ought not to be convicted; and he ought not to be convicted unless that specific portion mentioned in his confession was destroyed. But that is a fact that ought to be proven affirmatively before the court, and by all the authorities it ought to be proven by evidence other than the prisoner's own confessions. It may be contended that the destruction of the railroad has become a part of the history of the country. Suppose it is; is this a fact that can be proven by history? But facts of such recent occurrence can hardly be called history—at most it can only be a matter of common fame; and certainly it will not be contended that facts constituting the very gist of an offense—an offense, too, for which men's lives are jeopardized—can be proved by common fame. Facts that the law permits to be proven by common fame are generally such as can be proven in no other way, and that is the only reason for permitting them to be proven in that way. But even if it could be proven in that way that the railroad was destroyed the case would not be bettered any, for no witness has testified that there is such a rumor; and if such evidence was before the court it would have to be confined to the specific portion mentioned in the confession, for the destruction of that portion and no other constitutes the body of this offense. But it may be argued that there was no inducement in this case why the confessions of the defendant against his interest should not be regarded as strictly true; that men are not likely to make confessions, especially in a case so vital as this, unless the facts confessed to were strictly true; in short that his confession could only be prompted by a love of truth.

But these arguments would apply with equal force in every case of confession. Indeed we could hardly conceive of a sane man desiring to have himself convicted of a crime of which he is not guilty. The general rule is that the guilty attempt to avoid punishment, not the innocent seek it; yet this rule is not without exceptions and on account of these exceptions the law has provided inflexible rules to govern judicial tribunals in determining what weight should be given to con-

fessions. And the rule is not the less inflexible because in a strict adherence to it the guilty will sometimes escape punishment. The law is merciful and prefers that ninety-nine guilty persons should go unpunished rather than one innocent person should suffer; and he is led to infer from the clemency you have shown the prisoner and the courtesy you have extended to the counsel during the progress of this trial you will grant the prisoner all the leniency the law gives him any reason to expect. He knows that you cannot help but appreciate the condition of the prisoner at this bar. He is arraigned before you with very little better than no counsel at all. The practice in military courts is so new to his counsel that he feels conscious that he has not been able to render the prisoner that assistance which he had reason to expect. But he has cause to thank you for the open and frank manner in which you have advised both the counsel and the prisoner of their rights. But we were discussing the reliability of confessions and how far they ought to be received in evidence against the accused. It seems to be a safe rule if there was any inducement whatever the prisoner ought not to be convicted on confessions.

In this case while no direct promise of reward or fear of punishment was held out to the prisoner nevertheless the circumstances by which he was surrounded might be well calculated to induce him to believe a seeming open confession would be decidedly to his advantage. He is unused to the laws and customs of war. He falls into the hands of an enemy whose exact purpose with him is unknown. He was not advised of the penalty attached to the act of which he confesses himself guilty. He looks upon it as a mere act of hostility against the Government that at worst could only place him among its enemies, to be treated as a prisoner of war. He believed that if he confessed to all they wished to prove against him he would place himself before them as an open, frank man and thereby elicit their sympathy and secure better treatment. These inducements to a man whose hopes of success had been entirely blasted would certainly act with telling effect. Wharton, in his American Criminal Law, relates several instances of confessions where the inducements were not stronger than in this case. In one case (p. 314) "a Frenchman named Hubert was convicted and executed on a most circumstantial confession of his guilt in having occasioned the great fire in London, although," adds the historian, "neither the judges nor any one present believed him guilty but that he was a poor, distracted wretch weary of life and who chose to part with it in that way." And again on the same page is related an instance of a countryman who was convicted on his own confession of the murder of a widow who two years afterward returned to her home and had never received any injury whatever. So Bunyan tells us:

Since you are entered upon stories I also will tell you one, which though I heard it not with my own ears yet my author I dare believe. It is concerning one old Tod, who was hanged about twenty years ago or more at Hartford for being a thief. The story is this: At a summer assize holden at Hartford while the judge was sitting upon the bench comes this old Tod into the court clothed in a green suit, with his leather girdle in his hand, his bosom open and all in a dung sweat as if he had run for his life; and being come in he spake aloud: "My Lord," said he, "I have been the veriest rogue that breathes upon the face of the earth; I have been a thief from a child. When I was a little one I gave myself to rob orchards and to do other such like wicked things and I have continued a thief ever since. My Lord, there has not been a robbery committed this many years within so many miles of this place but I have either been at it or privy to it." The judge thought the fellow was mad; but after some conference with some of the justices they agreed to indict him, and so they did of several felonies; to all of which he heartily confessed guilty and so was hanged with his wife at the same time.

Another instance is told of two brothers named Boorns who on being charged with the murder of another were convicted and sentenced to death chiefly on their own admissions, but were fortunately relieved from execution by the reappearance of their alleged victim. To the same effect is a case in Illinois in 1841 where three brothers named Trailor were arrested on a charge of murdering a man named Fisher, who when last seen had been in their company. Strong circumstantial evidence was produced showing the traces of a death struggle on the spot where the homicide was alleged to have been committed and the case was fortified by expressions alleged to have been subsequently used by one of the brothers as to his having become legatee of the deceased's property. The examinations had scarcely finished before one of the three defendants made a confession detailing circumstantially the whole transaction showing the previous combination and ending with a direct statement under oath of the homicide. To the amazement of the whole country, however, the deceased made his appearance in just time enough to intercept a conviction.

Many other examples of similar confessions might be adduced but these are deemed sufficient to show the danger of convicting upon confessions alone. There may frequently be inducements for making a confession that are never brought before the court. There are frequently circumstances surrounding a person that he himself could not explain and yet would go far toward influencing his conduct and producing confessions as to crimes of which he is really innocent. This may especially be expected when the prisoner is ignorant as in this case of the penalty attached to the crime confessed. Upon considerations of this kind the wise maxims of the law are founded—that convictions ought not to be had upon confessions alone; that the confession ought to be corroborated; and the *corpus delicti* must always be proven. Here, however, neither is done, but the case rests solely upon the confessions of the prisoner, uncorroborated and without any proof of the *corpus delicti.* Isn't it then safe to follow the beaten paths of jurisprudence although occassionally the guilty may go unpunished? Should we attempt to tread anew the ground where so many of our predecessors have blundered? Should we again attempt to open up the by-ways of past jurisprudence already so deeply stained with the blood of innocent victims? The prisoner trusts that you will not. He believes to call your attention to such a course is sufficient to guard you against it.

There is one other point in this case to which the prisoner wishes to call your attention: Going upon the hypothesis that the crime was committed as confessed still he wishes you to bear in mind that the same confession shows him as acting under the orders of superior officers. He has never denied that he was regularly sworn into the service of the Missouri State Guard and that he held the position of captain of a company in that service. It is in proof before this court that General Price ordered the destruction of that road. If then he is found to be guilty thus of the crime alleged he wishes you to rembember that he was obeying a military order. You are military men; you know how far such orders are binding. On this point then it will be unnecessary to argue the law or the fact. About the fact of such an order having emanated from Price and regularly transmitted through his inferior officers he imagines you can have no doubt. How far those regularly sworn into his service are bound to obey such an order has already been argued before this court, and the prisoner deems it unnecessary to say more on that subject.

The prisoner has now given you all the points of defense he has in this case. He trusts you will take them and weigh them carefully and give to him that justice which he may expect from his fellowman in so fearful a crisis.

JOHN W. OWEN.

Trial of William Combs, accused of destroying railroads and railroad property.

DANVILLE, MONTGOMERY COUNTY, MO.,
January 31, 1862.

The military commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio Volunteers.

William Combs, the accused, also present.

The judge-advocate having read the order convening the court asked the accused, William Combs, if he had any objection to any member named thereon; to which he replied, "I have not."

The commission was then duly sworn by the judge-advocate and the judge-advocate was duly sworn by the presiding officer of the court in the presence of the accused.

The accused here, by permission of the commission, introduced Walter L. Lovelace, esq., as his counsel.

The charges were then read aloud by the judge-advocate as follows:

CHARGE 1: Destroying railroads and railroad property.

Specification.—In this, that the said William Combs on or about the 20th day of December, A. D. 1861, at the town of Wellsville in the county of Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad ties, track, bridges, depots and other buildings of the North Missouri Railroad (so called) and the property of said railroad company contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said William Combs on or about the 20th day of December, 1861, at the town of Wellsville in the county of Montgomery in the State of Missouri and within the line occupied by the troops of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph wires and poles and burn and destroy the telegraph office at the town of Wellsville of the U. S. military telegraph along the line of the North Missouri Railroad in said town of Wellsville and county of Montgomery contrary to the laws and customs of war in like cases.

M. ARMSTRONG,
Captain and Judge-Advocate.

The judge-advocate then asked the accused, William Combs: "You have heard the charges preferred against you; how say you, guilty or not guilty?"

To which the accused, William Combs, pleaded as follows:

To specification to first charge, not guilty.

To charge 1, not guilty.

To specification to second charge, not guilty.

To charge 2, not guilty.

The commission then proceeded in the examination of the case of William Combs, as follows:

BENTLY HAYS, a citizen of the county of Callaway in the State of Missouri, being produced, duly sworn and examined on the part of the United States testifies as follows:

I know the prisoner William Combs. I have known him some eight or ten years. He lives in Montgomery County, Mo. I think he lives close to Montgomery City. He belonged to Meyers' company. He was with us at the time we were at the brick-kiln at Mr. Wingfield's. He met with us in the old house at Laile's pasture, and then came down with us to Mr. Wingfield's. We met at Laile's pasture the day before the night on which the railroad was torn up. I think there was between fifty and a hundred who met at Laile's pasture before going to Wingfield's. From Laile's pasture we went down to Wingfield's brick-kiln at which place we stayed something like half an hour or three-quarters. From there we all went to the section-house between the towns of Montgomery and Wellsville. The defendant was along. At the section-house we went to tearing up the railroad. We did not destroy the section. We tore up about 100 yards of the railroad track at this place. I think defendant assisted to tear up the track; some held horses. We had mauls, such as we make rails with, and some crowbars. We got some crowbars at the section-house. From the section-house we went toward Wellsville. We would tear up a place, then miss a distance, and then tear up again. We went to Wellsville, and met a company coming down. We cut down the telegraph poles, cut the wires off the poles, and burnt the poles. When we met the other party we all went to Wellsville, or most of us. When we went into Wellsville some went to loading up wagons from the store of Kapinska, of that place; others went to the depot of that place and burnt it and cut down the flag-poles. I saw the defendant there. There was some shouting and cheering. I think we stayed at Wellsville an hour—may be more. Some of us went with Meyers back to Montgomery City, and I judge others went home. The defendant went back to Montgomery with me. James Morris, Mr. Smith, and Mr. Hawkins went back to Montgomery City with us. There were several of us—I can't remember. The last I saw of Mr. Combs he was going toward the grocery at Montgomery City. I think the next time I saw defendant was at my own house. I do not know whether defendant went home after the railroad was destroyed. Defendant went, and I saw him afterward with Meyers' company at Laile's pasture.

Cross-examined by DEFENDANT'S ATTORNEY:

Question. Was defendant a member of Meyers' company?

Answer. Yes, sir; he was.

Question. When and where was he sworn in?

Answer. I could not be certain but I think he was sworn in on the 13th of December last at George Harvey's.

Question. Was Meyers a commissioned officer in the Confederate service?

Answer. I do not know whether he was or not. I should judge though that he was; I don't know for certain.

Question. Were Meyers' men sworn into the Confederate service or what is called the Missouri State Guard?

Answer. I could not be positive about that. I think it was the Missouri State Guard.

Question. Was Meyers acting commanding officer of that company?

Answer. He was.

Question. Was the railroad and telegraph destroyed by his orders?

Answer. What we destroyed was done under Meyers' orders.

Question. Was the defendant engaged in destroying the railroad and telegraph on that night?

Answer. Yes, I think he was. He was along. Some of the men held horses. I think, though, he helped destroy the railroad.

Question. About how many of the men were engaged in holding horses?

Answer. I could not say exactly. I judge there were about five men more or less.

Question. Reflect and see if the defendant was not one of those five?

Answer. I could not say for certain whether he was or not.

Question. Were those holding horses in the immediate vicinity of those tearing up the road?

Answer. They were tolerably close by.

Question. When did Meyers first tell his men that they intended to destroy the railroad?

Answer. At the kiln near Mr. Wingfield's on the evening of the night it was done?

Question. Was the defendant present at that time?

Answer. Yes, I think he was. I could not say for certain but I think he was.

Question. Was the matter of tearing up the railroad spoken of at any time on your way from the brick-kiln to the railroad?

Answer. Not that I recollect of.

Question. Was it spoken of at any time before you got to the brick-kiln?

Answer. If it was I never heard it. I knew nothing of it till we got to the brick-kiln.

Question. In what way was it made known at the brick-kiln that their intention was to tear up the railroad on that night?

Answer. Mr. Meyers told us at that time and I think he said it was his orders.

Question. Was it told to the whole company present at that time?

Answer. I think all were present. He told it out so all could understand.

By the COURT:

Question. After the time you met at Harvey's house did the company keep together or did they go home?

Answer. They went home.

Question. These men dispersed always when they met and met when called together I suppose?

Answer. Yes, sir.

Question. How many times did they meet from the time they were sworn in until the time the railroad was destroyed?

Answer. I think they met but once—at Laile's pasture.

JOHN R. HAYDEN being produced, sworn and examined on the part of the United States says:

I know the defendant, William Combs. I have known him about two months. The first time I saw him was at a party on Loutre Creek in the edge of Callaway. It was at a kind of a dance. He lives in Montgomery County; I don't know exactly where; I was never at his house. I live in Montgomery City. He belonged to Meyers' company, or was with it. I did not see him sworn in; I couldn't say for that. I first saw him with Meyers' company at headquarters in Laile's pasture. I think he was there the evening we met when we tore up the road. We went from Laile's pasture to the brick-kiln at Wingfield's place. These meetings were to organize. I was there at Laile's but twice—the time that we met to destroy the road and the time we met to leave the country. I suppose there were about thirty at the brick-kiln; I did not count; I think the defendant was there. We went to the section-house on the railroad above Montgomery City and commenced tearing up the

road. We tore up the road in three or four different places between that and Wellsville and also at the section-house. The defendant was along with us while we were at that work; I could not say I saw him at work but I know he was along. At Wellsville we burnt up the depot, and then came back to Montgomery City and from there went home I suppose. I did not go with them to Montgomery City; I went back into Callaway County. I was kicking around; I did not stay at any particular place. Defendant was with us when we were last at Laile's pasture and went off with the company, and so did I.

Cross-examined by DEFENDANT'S COUNSEL:

Question. Where did you meet the defendant on the night of the destruction of the railroad?

Answer. At the brick-kiln in the bottom.

Question. To what point on the railroad did you go from the brick-kiln?

Answer. To that section-house between Montgomery City and Wellsville.

Question. Which way did you go?

Answer. Out the road toward Wellsville.

Question. Where did you first commence?

Answer. At the section-house.

Question. Were all or part engaged on the railroad to hold horses?

Answer. Yes; there was a part.

Question. Was the defendant holding horses or at work on the railroad?

Answer. I don't know; I could not say. I did not see whether he was holding horses or at work.

Question. Did you see the defendant on the railroad at all?

Answer. Yes, sir; he was.

Question. Where was he?

Answer. I saw him in Wellsville and I saw him as he came back.

Question. What was he doing?

Answer. He was on his horse riding round and came back with the crowd. I could not say I saw him at work but I know that he was along.

Question. Did you see him at any time while you were tearing up the railroad?

Answer. I can't say; I might and might not. I can't say that I saw him at work.

Question. Where did you meet with Meyers' company?

Answer. At Laile's pasture.

Question. Which way was the defendant going when you saw him at the brick-kiln?

Answer. He went with us out toward the road on the prairie.

Question. Did he come to you before or after Meyers told you you were going to destroy the railroad?

Answer. Before.

Question. Where did you next see him?

Answer. On the prairie going along toward the railroad.

Question. Did you see him at any time when you were destroying the railroad?

Answer. I might and I might not. I did not take notice.

Re-examined:

I think he was along with us while we were destroying the road.

The counsel for defense declined to file any statement on the part of defense but referred the court to the statement in the case of the United States against Norris.

The testimony in this case is here closed and case submitted. The proceedings were read over and the statement of the parties being in possession of the court the court was cleared for deliberation and having maturely considered the evidence adduced find the accused, William Combs, as follows:

Of charge 1, guilty.

Of specification, charge 1, guilty.

Of charge 2, guilty.

Of specification, charge 2, guilty.

And the commission do therefore sentence the said William Combs to be shot to death at such time and place as the commanding general shall direct.

The above is a full and complete record of the proceedings, finding and sentence of the military commission in the case of William Combs.

SAMUEL A. HOLMES,
Lieutenant-Colonel and President of Commission.

M. ARMSTRONG,
Captain, Judge-Advocate and Recorder Military Commission.

Finding approved and the sentence will be carried into effect at a time and place to be hereafter designated by the general commanding the department. In the meantime prisoner will be kept in close confinement in military prison at Alton.

H. W. HALLECK,
Major-General.

Trial of William Mathews, accused of violation of the laws of war, bridge-burning and other crimes.

DANVILLE, MONTGOMERY COUNTY, MO.,
February 1, 1862.

Commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, judge advocate, Eighty-first Ohio.

The prisoner, William Mathews, also present.

The commission was then duly sworn by the judge-advocate and the judge-advocate was duly sworn by the presiding officer of the court in the presence of the accused.

The accused by permission of the commission introduced Walter L. Lovelace, esq., as his counsel.

The charges were then read aloud by the judge-advocate, as follows:

CHARGE 1: Violation of the laws and customs of war.

Specification.—In this, that the said William Mathews of Company A, Callaway Rangers, on or about the 20th day of December, A. D. 1861, in the county of Montgomery in the State of Missouri while being enrolled and employed as a soldier in

the military service of the so-called Confederate States did knowingly, secretly and unlawfully enter the lines occupied by the military forces of the United States, and while being so within their lines did take up arms and commit acts of hostility within the same, and in like manner did advise and procure others residents of the said county to become insurgents and to then and there take up arms and commit acts of hostility contrary to the laws and customs of war.

CHARGE 2: Destroying railroad and railroad property.

Specification.—In this, that the said William Mathews of Company A, Callaway Rangers, on or about the 20th day of December, 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad ties, track, bridges, depots and other property of the North Missouri Railroad Company (so-called) contrary to the laws and customs of war in like cases.

CHARGE 3: Aiding and abetting in the destruction of railroads.

Specification.—In this, that the said William Mathews of Company A, Callaway Rangers, on or about the 20th day of December, A. D. 1861, in the counties of Audrain and Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously meet with certain unlawful and armed bands and advise and counsel the destruction of the North Missouri Railroad track, bridges, buildings and other property of the North Missouri Railroad Company (so called) and did then and there in pursuance of such advice give aid and assistance to said persons in the destruction of said railroad contrary to the laws and customs of war in like cases.

M. ARMSTRONG,
Captain and Judge-Advocate Military Commission.

The judge-advocate then asked the accused, William Mathews: "You have heard the charges preferred against you; how say you, guilty or not guilty?"

To which the accused, William Mathews, pleaded as follows:

To specification first charge, not guilty.

To charge 1, not guilty.

To specification, second charge, not guilty.

To charge 2, not guilty.

To specification, third charge, not guilty.

To charge 3, not guilty.

The accused, William Mathews, had been previously asked if he had any objection to any member of the commission and he answered he had not.

The commission then proceeded in the examination of the case of William Mathews as follows:

BENTLY HAYS, a citizen of Callaway County, Mo., being produced, duly sworn and examined on the part of United States testifies as follows:

Question. Are you acquainted with the prisoner, William Mathews?

Answer. I know him though I have not had any acquaintance with him only since I was made prisoner. I know him when I see him. I never saw him before taken prisoner that I know of. The first time I saw him was in Montgomery City that I know of. This was after I was taken a prisoner. If I ever saw him before I do not know it. He was then a prisoner. He was in the charge of Captain Lanius, Eighty-first Ohio. I don't know that he belonged to Meyers' company. I never saw him at any of the meetings of the company at Laile's pasture and Wingfield's. Meyers' company was concerned in the destruction of the railroad. It met at Laile's pasture, went to Wingfield's and from there to the railroad and destroyed it. I did not see Mr. Meyers make any member of the company take an oath of secrecy. I do not know that such an oath was taken.

JOHN [R.] HAYDEN being produced, duly sworn and examined on the part of the United States testifies as follows:

I know the prisoner, Mr. Mathews. I have known him some four or five years but have not been intimately acquainted with him until we were imprisoned together. He lives in Montgomery County, on Elk Horn, some six or seven miles north of Montgom-

ery City. I think the prisoner did not belong to Meyers' company. I belong to Meyers' company. I saw defendant once at our meetings in Laile's pasture. This was the evening of the night the railroad was torn up. From Laile's pasture to where Mathews lives it is some twelve or fifteen miles I think. He went along with us down to the brick-kiln of Wingfield. There were somewhere between twenty and thirty of us. All were ahorseback. There were four or five guns along. The men belonging to the company were mostly citizens belonging to the county of Montgomery. I do not know where the defendant had been during the summer only from his having told me that he had been to Price's army. I have heard him say that he was with Price frequently since we have been in prison. I don't know when defendant got back from Price. I first saw him at Laile's pasture the evening of the night the railroad was destroyed. I have heard Mathews say that he is home on furlough. He says that he has forty days' furlough. I have never heard him say when his furlough would be out and when he would go back. I have heard him say that he never intended to go back but I never heard him say when his furlough would be out. I do not know how long he enlisted for. He said that he enlisted under Price for six months. Mathews lives with his father. He says when he came home he went to his father's house. I never saw him at his father's house. We started from Wingfield's to railroad about dark; we had to go four miles to railroad. I don't remember of seeing defendant with us on the march. I saw him on the railroad and I think he was with us. I did not see him at work; he says he held horses all the time and stood picket together. Meyers' company divided and separated at Laile's pasture. My squad went to Wingfield's and the other went to the railroad. We divided for the purpose of commencing on the road at different points. They had tools for the destruction of the road. I saw axes and mauls. I suppose the other squad had tools but I did not see. Some mauls were made at Laile's pasture and axes were there; some of these tools were taken by our squad and some by the other. I do not know that we got any tools on the way. When we got to the railroad we dismounted and went to work and destroyed the railroad. Our company tore up the road in three or four places. When we got to Wellsville some of the boys fired the depot and then we went back to Montgomery City. I saw the defendant at Wellsville. He came back as far toward Montgomery City as I did. I think the defendant afterward came back up into the neighborhood of Laile's. I think he did not belong to Meyers' company. I saw not one but Mathews who did not belong to Meyers' company assist in destroying the railroad. The other squad of which I spoke met us two or three miles below Wellsville. They came down the railroad from Wellsville. I think we tore up the railroad on Friday.

Cross-examination:

Question. Do you recollect certainly of seeing the prisoner between Laile's house and the brick-kiln?

Answer. I do not.

Question. Do you recollect seeing him at the brick-kiln?

Answer. Can't say whether I saw him there or not.

Question. You said on your examination-in-chief you were not certain which squad he was in.

Answer. I am not certain.

Question. How do you know where the other squad went?

Answer. I know they went on the road because I met them.

Question. Did you mention [notice?] the persons particularly at Laile's pasture?

Answer. I did.

Question. Did you notice whether he was under guard then or not?

Answer. I did not see him under guard; he might have been before I got there.

Question. Did you hear Meyers say he would arrest all persons who would not go with him?

Answer. I did not hear him say so.

Question. Did you ever hear the prisoner say in any of these conversations with him that he was arrested and carried or forced in any other way?

Answer. I heard him say he was arrested and that if he would work on the road Meyers said he would release him.

Question. Did you hear any conversation between him and Meyers?

Answer. No, sir.

Question. Did you see the prisoner at work on the road?

Answer. I did not see him at work.

Question. Did you see him assisting in any way those at work?

Answer. If I did I disremember. I saw him in Wellsville walking around there but did not see him assisting.

Question. Was any one walking around with him?

Answer. They were walking every which way. Some persons were walking around all the time.

Question. In this conversation in which he told you Meyers had arrested him and agreed to release him if he would work on the road did he say whether he did work on the road?

Answer. He said he never worked; he said he held horses. I heard him say so several times.

Question. Didn't he say he refused to hold horses?

Answer. I never heard him say so.

Question. Didn't he say Meyers offered to release him if he would either work or hold horses and that he refused to do both?

Answer. I never heard him say that he refused to hold horses.

Question. What did he say Meyers threatened to do with him in case he refused to assist?

Answer. I don't know. It appears to me he did say he was threatened.

Question. Is this a part of the same conversation detailed in the examination-in-chief?

Answer. It was made since I was a prisoner but I can't say it was on the same day.

The testimony on the part of the prosecution is here closed.

WILLIAM J. NORRIS being produced, duly sworn and examined on the part of the defendant testifies as follows:

Question. Do you know the defendant?

Answer. I do.

Question. Did you see him on the night the railroad was destroyed?

Answer. Yes, sir; I saw him.

Question. Do you know Captain Meyers?

Answer. I do.

Question. Did you see him on that night?

Answer. I did.

Question. Did you hear any conversation between Captain Meyers and the prisoner's?

Answer. I did.

Question. Tell the court what you recollect of that conversation.

Answer. At the house they met at (the house in Laile's pasture) he told to Mr. Meyers he did not want to go on the road. Meyers said all that were in his lines should go and the young man said he did not want to go, and Mr. Meyers said if he did not go he would take him prisoner. This is all I know.

Question. Did Meyers tell him where he was going?

Answer. He did not. He told him it was none of his business what he was going to do.

Question. Do you know whether the prisoner was put under arrest then?

Answer. I do not.

Question. Did you see the prisoner on the railroad that night?

Answer. I did.

Question. Did he seem to be doing anything in the way of assisting in the destruction of the railroad?

[In the record no answer appears to this question.]

Question. What were you engaged in that night?

Answer. Holding horses on the railroad. I don't deny I was on the road; I was forced to go; I was sworn in.

Question. Did you see all the men that were holding horses?

Answer. I did.

Question. Was the prisoner among them?

Answer. No, sir; he was not holding horses. I did not see him off his horse all the time we were on the road.

Question. Was he on his horse all the time you were on the road?

Answer. When I saw him he was; I could not tell—it was dark—who was off and who was on.

Question. Did you see a man by the name of Fry that night?

Answer. I don't remember of seeing him; I am not acquainted with him.

Question. Was there anyone with the prisoner when you saw him on his horse?

Answer. No, sir; no one.

Question. Did you see no person close about him?

Answer. There were men on their horses. I could not tell anything about that.

Question. How many men [were] usually on these horses while you were tearing up the road?

Answer. Four or five; sometimes two or three. Captain Meyers was on his horse all the time.

Question. Was the prisoner usually with those men on their horses?

Answer. When I saw him.

Question. Were those men on horseback detailed to do any special duty?

Answer. I cannot tell whether they were or not.

Question. You did not see them engaged in connection with tearing up the road?

Answer. I did not.

Question. Did you know any of the others on horseback except Meyers and prisoner?

Answer. Only John Whiteside and Frank White I think.

Cross-examination by the COURT:

Question. Did the defendant go with crowd from the brick-kiln to railroad?

Answer. I think he did. He was at the brick-kiln when I got there and I afterwards saw him on the road.

Question. Did you take any tools with you?

Answer. There were tools in the wagon.

Question. Where did they get them?

Answer. I don't know; they said they got some at Wingfield's, and old man Moore brought some.

Question. What did they get at Wingfield's?

Answer. I understood they got a crowbar and a pick or wedge. I did not see them got. I heard Captain Meyers say they got some of Wingfield's. I have known prisoner one year. He came back from Price Christmas—on furlough he says.

Question. What kind of a night was it that you destroyed the railroad?

Answer. A cold, cloudy night.

Question. Did you know at the time Captain Meyers and prisoner had their conversation that you had to destroy the railroad that night?

Answer. I did not.

Question. What was it that Mathews objected doing for which Meyers was going to put him under arrest?

Answer. Only going with him.

Examination by DEFENDANT'S ATTORNEY:

Question. At or before the time this conversation took place between the prisoner and Captain Meyers did you see any tools for destroying railroads?

Answer. I saw a couple of axes.

Question. What kind of tools did you see at the section-house?

Answer. I think they got a crowbar, pick and a good many tools. I could not tell exactly.

Question. Were there any men at the section-house?

Answer. Yes; there were.

Question. Tell whether they went along with you and whether they went willingly.

Answer. They went along.

The evidence is here closed in the case.

This case was here adjourned until Monday, February 3, 1862, granting at the request of the counsel time to prepare arguments.

—

DANVILLE, MO., *February 3, 1862.*

The commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, president; Capt. R. Y. Lanius; Capt. A. C. Todd; Capt. M. Armstrong, judge-advocate.

The accused, William Mathews, also present.

The statement of the accused was read by his counsel.

The proceedings in the case were then read over, and the statements of the parties being thus in the hands of the court the court was cleared for deliberation and after maturely considering the evidence adduced find the accused, William Mathews, as follows:

Of specification charge 1, guilty.

Of charge 1, guilty.

Of specification charge 2, guilty.

Of charge 2, guilty.

Of specification charge 3, guilty.

Of charge 3, guilty.

And the court do therefore sentence the said William Mathews to be shot to death at such time and place as may be appointed by the commanding general.

The above is a full and correct record of the proceedings, finding and sentence of the military commission in the case of William Mathews.

SAMUEL A. HOLMES,
Lieutenant-Colonel and President of Commission.
M. ARMSTRONG,
Captain, Judge-Advocate and Recorder Military Commission.

Finding and sentence approved but mitigated to imprisonment during the war in military prison at Alton, Ill.

H. W. HALLECK,
Major-General.

Trial of James Howard, charged with destroying railroad and telegraph lines.

DANVILLE, MONTGOMERY COUNTY, MO.,
February 5, 1862.

Commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio.

The accused, James Howard, also present.

The judge-advocate having read the order convening the court asked the accused, James Howard, if he had any objection to any member therein named; to which he answered, "I have not."

The commission was then duly sworn by the judge-advocate and the judge-advocate was duly sworn by the presiding officer of the court in the presence of the accused.

The accused by permission of the court introduced Walter L. Lovelace, esq., as his counsel.

The charges were then read aloud by the judge-advocate, as follows:

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said James Howard on or about the 20th day of December, A. D. 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad track, ties, bridges, depots and other buildings, the property of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said James Howard on or about the 20th day of December, A. D. 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph wires and poles and offices of the U. S. military telegraph along the line of the North Missouri Railroad. All this in the county of Montgomery in the State of Missouri on or about the 20th day of December, 1861, contrary to the laws and customs of war in like cases.

M. ARMSTRONG,
Captain, Judge-Advocate and Recorder Military Commission.

The judge-advocate then asked the accused, James Howard: "You have heard the charges preferred against you; how say you, guilty or not guilty?"

To which the said James Howard pleaded, as follows:

To specification to charge 1, guilty.

To charge 1, guilty.

To specification to charge 2, guilty.

To charge 2, guilty.

The court then proceeded to take the evidence in this case of BENTLY HAYS, who being produced, duly sworn and examined on the part of the United States says:

I know the prisoner James Howard. I have known him for six months last past. I saw the prisoner at the destroying of the railroad. He was there with the company. He was at Laile's pasture with us, and I think went past Wingfield's and from Wingfield's to the road. After the road was destroyed the accused went away at Wellsville. The company tore up the road, cut down the telegraph poles and burned the depot at Wellsville. I do not know who burned the depot. James Howard was a member of Meyers' company. I think he joined George Harvey at a dance. He lives in Callaway County. He lives in the same house I do. He lately married a sister of mine. I know that he never took up arms before. I am not very much acquainted with him. I think he is a man who stays at home. He like myself is a poor man. He did not take any arms with him when he went. He had no arms. I think he did not know what they were going to do when he joined. He has lived in our neighborhood three months. He went home to his house after the work had been done on the railroad and afterward went up to the Mount Zion fight.

The prisoner here makes his written statement which is herewith returned, marked Exhibit A.

The proceedings were read over and the statement of the parties being then in possession of the court the court was cleared for deliberation and after having maturely considered the evidence adduced find the accused, James Howard, as follows:

Of specification, charge 1, guilty.

Of charge 1, guilty.

Of specification, charge 2, guilty.

Of charge 2, guilty.

And the commission do therefore sentence the said James Howard to be shot to death at such time and place as the commanding general may appoint.

The above is a true and complete record of the proceedings, finding and sentence of the military commission in the case of the United States *vs.* James Howard.

SAML. A. HOLMES,
Lieutenant-Colonel and President of Commission.
M. ARMSTRONG,
Captain, Judge-Advocate and Recorder Military Commission.

MILITARY COMMISSION,
Danville, February 10, 1862.

Maj. Gen. HENRY W. HALLECK,
Commanding Department of the Missouri:

GENERAL: The military commission in rendering the above sentence would respectfully state that they are entirely convinced of the actual legal guilt of the prisoner, yet the court is inclined in view of the apparent ignorance and credulity of the convict to recommend him to the clemency of the commanding general to the extent of mitigating his sentence to something less than the punishment of death, as he shall see fit.

Very respectfully,

SAML. A. HOLMES,
Lieutenant-Colonel and President of Military Commission.
M. ARMSTRONG,
Captain, Judge-Advocate and Recorder Military Commission.

Finding and sentence approved.

The commission having recommended the prisoner to mercy the sentence will be mitigated to imprisonment during the war in the military prison at Alton.

H. W. HALLECK,
Major-General.

EXHIBIT A.

Statement of James Howard.

After I was sworn in Lieutenant Hudson came after me to go to Laile's pasture. I told him I did not want to go. "Well," says he, "we want all the able-bodied men we can get, and," says he, "if you don't go I will take you prisoner and make you go anyhow," and I went up to Laile's pasture. I did not know what was going to be done when I got there. From there I went to Mr. Wingfield's brick-kiln and there at the brick-kiln Captain Meyers said that the railroad was to be torn up and that he had an order from General Price to tear it up. I tore up the track, burnt the bridges and put the rails across the fire. Went over to Wellsville and burnt the depot. After the depot was burned I went home. I don't know what they did after I left Wellsville. I remained at home until they sent me to march to Williamsburg, then went to Laile's pasture from where we marched to Williamsburg. Took supper in Williamsburg. That night we marched to Danville; then next morning as the Todd troops came in we retreated and fell back toward Williamsburg. From Williamsburg we made a forced march to Boone. On Friday evening when we got into Boone we had a little fight with the pickets. Saturday morning the battle came off. I did not want to take up arms. I was forced to do so by Captain Meyers.

JAMES HOWARD.

Trial of Frank White, charged with destruction of railroad and telegraph lines, etc.

DANVILLE, MONTGOMERY COUNTY, MO.,
February 15, 1862.

Commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri; Capt. Richard Y. Lanius, Eighty-first Ohio; Capt. A. C. Todd, Tenth Missouri; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio.

Frank White, the accused, also present.

The judge-advocate having read the order convening the court asked the accused, Frank White, if he had any objection to any member named therein; to which he replied, "I have not."

The commission was then duly sworn by the judge-advocate and the jugde-advocate was then duly sworn by the presiding officer of the commission in the presence of the accused.

The charges were then read aloud by the judge-advocate as follows:

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said Frank White on or about the 20th day of December, 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the regularly authorized military forces of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad track, ties, bridges, buildings and other property of the North Missouri Railroad Company (so-called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said Frank White on or about the 20th day of December, 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the regularly authorized military forces of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph wires, poles and offices of the U. S. military telegraph along the line of the North Missouri Railroad in said counties contrary to the laws and customs of war in like cases.

CHARGE 3: Violation of the laws and customs of war.

Specification.—In this, that the said Frank White on or about the 20th day of December, 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the lawfully authorized military forces of the United States, did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces, the said Frank White not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being commanded lawfully thereto by any competent civil or military authority contrary to the laws and customs of war in like cases.

The judge-advocate then asked the accused, Frank White: "You have heard the charges preferred against you; how say you, guilty or not guilty?"

To which the said Frank White pleaded as follows:

To specification of charge 1, guilty.

To charge 1, guilty.

To specification to charge 2, not guilty.

To charge 2, not guilty.

To specification to charge 3, not guilty.

To charge 3, not guilty.

The prisoner here made out and presented a written statement as a defense which is herewith returned, marked Exhibit A and affixed to the end of this record.

The commission then proceeded in the further examination of the case of Frank White as follows:

JOHN BOWLES being produced, duly sworn and examined on the part of the defense testifies as follows:

I know Frank White and have known him for eight or nine years. He lives in Montgomery County, just below Middletown about three miles. To the best of my knowledge he started out late last fall, and started to go to Price, and there fell in with a commissioned officer from Price, Captain Meyers, and was sworn in under him. Meyers had several men together at that time and Colonel Jones called the men of Callaway County, &c., to whip these men of Henderson, and Meyers took his men and went into camp. I staid on there until Holmes and Henderson and Jones made a treaty. Meyers still held his men as sworn in under Price and allowed to try to get to Price. Meyers finding that he could not get to Price at that time disbanded temporarily until there was a chance. After he disbanded this young man and I thought

we could get to Price by ourselves, and finding we could not get to Price after getting on the other side of the river we turned back, and as we came back we fell in with Cobb and staid with him ten days. Then fell in with Meyers in Callaway a little before Christmas, and we were coming home, and Meyers told me to go home and he would keep young White, and for me to return the next day at 3 o'clock. I returned the next evening when I left this young man with Meyers. White wanted to go home with me but Meyers held him. That evening Meyers took us to the brick-kiln near Wingfield's and told us that he had something to tell us. After he got us there he told us he wanted us to tear up the North Missouri Railroad from Saint Charles to the Junction; that it was all to be torn up that night and the ferry-boats were to be burned at Saint Charles; that Price had ordered it. He said that the portion that was allotted to him to be torn up was between Wellsville and Montgomery City. So after we went and tore up the railroad we were going to we went back to Callaway County. On Christmas eve Captain Meyers' company started to Williamsburg to meet some companies there. From there the same night we came to Danville. Next morning we retreated to Williamsburg, and from Williamsburg proceeded to Concord by Colonel Jones'. Then we went to Greenview, to Mount Zion Church. At Greenview we elected our field officers, and were attacked that same evening by Prentiss' scouts. Next morning (Saturday morning) we had a battle at Mount Zion Church, in Boone County. We were routed on Saturday, and driven from the place. White left that day, and made his way back home. I went on with Dorsey. Next day I left Dorsey and fell in with White in Callaway, and we went home together. We have been home ever since until taken prisoners by Captain Dodds.

Cross-examination by the COURT:

I live in the same neighborhood as White. I never knew of his having taken up arms before. He was sworn in under Meyers before he went into Jones' camp. Meyers lives in Lincoln County. After Jones' camp was broken Meyers remained in this part of the State. I do not know what inducements were held out by Meyers for White to join him, only that he wanted to take up arms, and was sworn in on that account. Meyers showed me his commission. It was a written authority, bearing the signature of General Price and also bore the signature of Colonel Burbridge, giving him power to raise recruits. I do not know very well what it contained. I read it. The commission is as near as I can remember: "The bearer, Captain Meyers, is hereby authorized to go into General Harris' district to raise recruits for Colonel Burbridge's regiment." This bore the signature of General Price and Colonel Burbridge. I do not know whether he ever showed this commission to White. This is all the commission I ever saw Meyers have. I did not know that by the laws of war Meyers could not raise troops within the lines of the troops of the United States. I thought that this was order sufficient to compel me to tear up the railroad if Captain Meyers ordered it. I know that White wanted to go home and Meyers would not let him the day before the road was torn up. I acted as third lieutenant of Captain Meyers' company.

Mr. WILLIAM MATHEWS being produced, sworn and examined says:

Question. Do you know where White joined Meyers' company?

Answer. I do know. I know that Meyers would not let White go home. He wanted to go. He let Bowles off. White told him he wanted to get some clothes. He told him he could not go for a few days. He told him if he would stay he wouldn't put a guard over him and if he didn't he would. I think White said if he would not put a guard over him he would stay but he would rather go home. Meyers said it was no use talking as he should not go. White staid and there was no guard over him.

The testimony in this case is here closed and the case submitted to the court.

The accused here made a voluntary statement which was written down by the judge-advocate and hereto annexed, marked Exhibit A.

This case is here submitted to the court. The proceedings were read over and the statement of the parties being thus in the possession of the commission the court was cleared for deliberation and after having maturely considered the evidence adduced find the said Frank White, the accused, as follows:

Of specification, first charge, guilty.
Of first charge, guilty.
Of specification, second charge, guilty.
Of second charge, guilty.
Of specification, third charge, guilty.
Of third charge, guilty.

And the commission do therefore sentence the said Frank White to be shot to death at such time and place as the commanding general may appoint.

The above is a true and complete record of the proceedings, finding and sentence of the military commission in the case of the United States *vs.* Frank White.

SAML. A. HOLMES,
Lieutenant-Colonel and President of Commission.
M. ARMSTRONG,
Captain, Judge-Advocate of Military Commission.

Finding and sentence approved.

The sentence awarded will be carried into effect at a time and place to be hereafter designated by the general commanding the department. In the meantime prisoner will be kept in close confinement in military prison at Alton.

H. W. HALLECK.

EXHIBIT A.

Statement of Frank White.

I live in Montgomery County, in the east part. I am a farmer and have been. I have always lived at home. I am twenty-one years old. Awhile after the Lexington fight I left my father's. After the fight Price gave Meyers a commission to raise a company. He got up a company of about fifteen men and found we could not get through. He disbanded and we went home. We came up to Callaway, and the citizens told us we could not get through and Captain Meyers told us to disband and go home. We did go home and staid there about two weeks, and John Bowles and myself took a notion to go to Price alone. We went and crossed the river and found we could not get through and started back home. On our way back we met Cobb in Callaway. I did not know him then. Cobb took us to one side and told us he had some work for us to do. We told him that we would not go, and he said he had orders if men would not go to make them go. We still told him we would not go and he drew his sword on us and told us he would make us go. We staid with him two days and found out what he was going to do and we slipped off from him the second morning after we were pressed. We came down first to the lower edge of Callaway. There we met Meyers and ten or fifteen of his men. Meyers came up to John Bowles and asked him if we were going to stay. He told him he guessed not. He let John go and I wanted to go and he came up and told me I could not go. He kept me until the night the railroad was torn up and one other fellow by the name of Mathews. And after the railroad was destroyed we went off into Callaway and there I wanted to go home again but he told me as I was sworn in under him I would have to go. I went. We disbanded for two or three days after the railroad was torn up. We went to Williamsburg; from there to Mount Zion and from there I went home and have

been there ever since. I thought I had a right to enlist under Meyers, or I would not have gone. He showed his commission. I knew he had no right to tear up the railroad but was compelled. I did not know that the railroad was going to be torn up till it was done. I went against my will.

B. F. WHITE.

Trial of John Bowles for destroying railroad and telegraph lines, etc.

DANVILLE, MONTGOMERY COUNTY, MO.,
February 15, 1862.

Commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio; Capt. A. C. Todd, Tenth Missouri; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio.

The accused, John Bowles, also present.

The judge-advocate having read the order convening the court asked the accused, John Bowles, if he had any objection to any member named therein; to which he repled, "I have not."

The commission was then duly sworn by the judge-advocate and the judge-advocate was then sworn by the presiding officer of the commission in the presence of the accused.

The charges were then read aloud by the judge-advocate as follows:

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said John Bowles on or about the 20th day of December A. D. 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the regularly authorized military forces of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad track, ties, bridges, buildings and other property of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said John Bowles on or about the 20th day of December, A. D. 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the regularly authorized military forces of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph wires, poles and offices of the U. S. military telegraph along the line of the North Missouri Railroad in said counties contrary to the laws and customs of war in like cases.

CHARGE 3: Violation of the laws and customs of war.

Specification.—In this, that the said John Bowles on or about the 20th day of December, A. D. 1861, at the county of Montgomery in the State of Missouri and within the lines occupied by the lawfully authorized military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces, the said John Bowles not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being thereto lawfully commanded by any competent civil or military authority, contrary to the laws and customs of war in like cases.

M. ARMSTRONG,
Captain, Judge-Advocate and Recorder Military Commission.

The judge-advocate then asked the accused, John Bowles: "You have heard the charges preferred against you; how say you, guilty or not guilty?"

To which the said John Bowles pleaded as follows:

To specification to charge 1, guilty.

To charge 1, guilty.

To specification to charge 2, guilty.

To charge 2, guilty.

To specification to charge 3, not guilty.
To charge 3, not guilty.

The accused here made a statement of the facts in his case which were taken down by judge-advocate and then signed by accused. Said statement is here made a part of this record as follows:

My purpose for going into the army—I thought our State was invaded. I volunteered to defend it. After I was sworn in by Captain Meyers and could not get to Price I remained on this [side] of the river until about the 17th of December. Captain Meyers told me that Price was coming to the river and had ordered the railroad to be torn up, and took me the same evening to the river. After we tore up the railroad we returned to Callaway—came to Williamsburg first; then to Danville; then back to Boone County, to Mount Zion Church, where we had the fight with Prentiss' men. After that Colonel Dorsey disbanded us and I returned home to Montgomery, and was taken there by Captain Dodds. Was taken to Wellsville and from there to this place. I enlisted in Callaway County and was then sworn in under Meyers. I took an oath to defend the State of Missouri as a State guard at same time with White—three days before going into Jones' camp. I went there and staid till the treaty was made between Jones and Henderson. I then went home. From there I and White tried to get to Price by ourselves. We crossed the river once and not being able to get to Price returned and fell in with Meyers on the way back and was taken the next evening to the railroad. After tearing up the railroad we returned to Callaway. I did not know that it was contrary to the laws of war to take up arms within the lines occupied by troops of the United States. I thought General Price had authority to raise recruits within the lines of U. S. troops here and could give authority to do this.

JOHN BOWLES.

Mr. B. F. WHITE being sworn and examined on part of the defense says:

I know that John Bowles was sworn in under Meyers. I know that Meyers had a commission from Price to raise recruits for Burbridge's regiment. I saw the commission.

Cross-examination:

Question. Where does the prisoner live?

Answer. In Montgomery County. He is a farmer. I have known him some eight or nine years. He joined Meyers along in the fall after the Lexington fight. He went into Jones' camp. Jones and Henderson formed a treaty and all were disbanded except Meyers' men. He had fifteen or twenty. The prisoner was one of the fifteen or twenty. He staid with them five or six days, and when we found we could not get through we went home. We staid there about two weeks. We found we could not stay at home and crossed the river to go to Price. We could not get to Price and turned back. Fell in with Cobb; did not know him. He took us to one side of the road and told us he had some work for us to do. We refused to go with him. He said he had authority to force those who would not go willingly. He took out his sword and told us we would have to go. We went and staid two days and then slipped off from him. As we came to the lower edge of Callaway we met Meyers. It was our intention to go straight home. He had fifteen or twenty men. We wanted to go home. He let John go on his promise to come back. He would not let me go at all. John came back. He went down to the brick-kiln next evening and there he said he had something to tell us; that he had orders from General Price to tear up the North Missouri Railroad. Not only did he say so but others—old men whom we took to be truthful men. He told us to get on our horses and follow him. Then he placed out guards so that no man could get out. We worked to about 12 o'clock. Then we marched back into Callaway. John came back and was then tearing up the road. He had no arms. He did not get any till he started up to Mount Zion. After the fight at Mount Zion he went back home. Meyers' commission was written on a piece of letter paper I think. It was authority to raise troops for Burbridge's regiment. I saw it. It was read to me; was signed by General Price and Colonel Burbridge. I saw no written order to tear up the road. He said he had orders to tear up the road. We had confidence to believe him. I did not want to go into it. John said if it was orders from Price he was willing to go; but if not he did not want to go. I did not know nor do I think he knew that the railroad was to be torn up. Before he came I heard Meyers talking about the railroad but did not know what it meant.

The testimony in this case is here closed and the case is submitted to the court.

The proceedings were read over and the statements of the parties being thus in the possession of the commission the court was cleared for deliberation and after having maturely considered the evidence adduced find the accused, John Bowles, as follows:

Of specification, first charge, guilty.

Of first charge, guilty.

Of specification, second charge, guilty.

Of second charge, guilty.

Of specification, third charge, guilty.

Of third charge, guilty.

And the commission do therefore sentence the said John Bowles to be shot to death at such time and place as the commanding general may appoint.

The above is a true and complete record of the proceedings, finding and sentence of the military commission in the case of the United States *vs.* John Bowles.

SAMUEL A. HOLMES,
Lieutenant-Colonel and President of the Commission.
M. ARMSTRONG,
Captain and Judge-Advocate Military Commission.

Finding approved and the sentence rendered will be carried into effect at the time and place hereafter designated by the general commanding the department. In the meantime the prisoner will be kept in close confinement in military prison at Alton.

H. W. HALLECK,
Major-General.

Trial of William Shearin, charged with destroying railroad and telegraph lines.

DANVILLE, MONTGOMERY COUNTY, MO.,
February 15, 1862.

Commission met pursuant to adjournment.

Present: Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers; Capt. Richard Y. Lanius, Eighty-first Ohio Volunteers; Capt. A. C. Todd, Tenth Missouri Volunteers; Capt. M. Armstrong, judge-advocate, Eighty-first Ohio Volunteers.

William Shearin, the accused, also present.

The judge-advocate having read the order convening the court asked the accused, William Shearin, if he had any objection to any member named therein; to which he replied, "I have not."

The commission was then duly sworn by the judge-advocate and the judge-advocate was then duly sworn by the presiding officer of the commission in the presence of the accused.

The charges were then read aloud by the judge-advocate as follows:

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said William Shearin on or about the 20th day of December, A. D. 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the regularly authorized military forces of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad ties, bridges, buildings and other property belonging to the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said William Shearin on or about the 20th day of December, A. D. 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the regularly authorized military forces of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph wires, poles and offices of the U. S. military telegraph along the line of the North Missouri Railroad in said counties contrary to the laws and customs of war in like cases.

CHARGE 3: Violation of the laws and customs of war.

Specification.—In this, that the said William Shearin on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and within the lines occupied by the lawfully authorized military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces, the said William Shearin not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being thereto commanded by any competent civil or military authority, contrary to the laws and customs of war in like cases.

M. ARMSTRONG,
Captain, Judge-Advocate, &c.

The judge advocate then asked the accused, William Shearin: "You have heard the charges preferred against you; how say you, guilty or not guilty?"

To which the said William Shearin pleaded as follows:

To specification to charge 1, guilty.

To charge 1, guilty.

To specification to charge 2, not guilty.

To charge 2, not guilty.

To specification to charge 3, not guilty.

To charge 3, not guilty.

The prisoner here made a written statement of some facts in his case which is herewith returned, marked Exhibit A.

The commission then proceeded in the examination of the case of William Shearin as follows:

BENTLY HAYS being produced, duly sworn and examined on the part of the United States testifies as follows:

I know Mr. Shearin. I have known him some three or four years. He lives in Montgomery County about three or four miles from Danville. He belonged to Meyers' company. I think he joined it on the 13th of December, 1861. I think he joined at Mr. Harvey's. I think he was sworn in by Mr. Meyers. He was along the time the railroad was torn up I think. I did not see him at Wellsville. I saw him on the railroad. There were some who did not go into Wellsville. They stopped about a mile from Wellsville. We began at the section-house below Wellsville and destroyed the road up to Wellsville. We destroyed the telegraph lines along the road. I saw Mr. Shearin at the section-house where we began the work of tearing up the road. I next saw him the day before Christmas at Laile's pasture. I could not say whether he was at Danville. I cannot say for certain whether I saw him after the railroad was torn up until after the fight at Mount Zion. I saw him running I know. I know [he] was in the Mount Zion fight.

Cross-examination by PRISONER:

I will not swear that I saw you at Wellsville. I will not swear that you went on the railroad any further than Rollins' fence; nor that I saw you but once at Laile's pasture. I could not swear to any certain man cutting down telegraph poles; I only know that they were cut down. I could not be positive of your being in Danville.

WILLIAM COOMBS being produced, duly sworn and examined on the part of the defense testifies as follows:

I was at Wellsville. I will swear that you were not there, and that I left you at Rollins' fence and that you were not in Danville. I was at Laile's pasture. You were there but once—that was before the railroad was torn up. I never saw Meyers' commission. I saw you sworn in to Meyers' company.

Cross-examination by the COURT:

Defendant was on the railroad and helped tear it up. He was sworn into Meyers' company at George Harvey's house by Meyers. I think he was in Jeff. Jones' camp. I did not know of his being with Price. After the railroad was destroyed I next saw him at Williamsburg. After railroad was destroyed we all went home to get our blankets. The prisoner had arms at Wellsville. He went up to Mount Zion.

WILLIAM J. NORRIS being produced, duly sworn and examined on the part of the defense testifies as follows:

I saw Meyers' commission. I saw it on the 14th of December at Moses', one mile and a half from where I lived.

Cross-examination by the COURT:

This is the first time I ever saw Meyers' commission. I know that this man was enlisted before railroad was torn up. Meyers' commission stated that Meyers was authorized to raise recruits I think for Harris' command. Meyers told his men he was a commissioned officer. It was generally believed that Meyers was a commissioned officer. We thought it was Price's orders to tear up railroad and that we had to do it. I do not know whether it was all right or not.

Col. THOMAS MORTON being produced, duly sworn and examined on the part of the United States testifies as follows:

I believe that he came and gave himself up as a prisoner of war. At that time I had more prisoners than I could take care of, &c. I took his parole for ten days and he reported and then gave him a parole of ten more, and in the meantime I got information from General Schofield—a letter giving the names of a number of men engaged in destroying the railroad. Amongst the rest was this man's name. He ordered me to arrest them. I arrested this man. He came in on the 13th to report as his parole ordered and I held him as a prisoner. There were inducements held out to him to come in. Some of his neighbors told me that there were some young men in the neighborhood who would give themselves up if they would be released on oath. I told them that they would be released. This man came and gave himself up. The word was carried to him by his friends, and he gave himself up believing he would be held as a prisoner of war and released on oath. The conditions attached to their coming in were that if they would come in, give up their arms and take the oath they should be released. It was stated to me that these men had done nothing except take up arms and that there were no other charges against them. These representations were made to me by friends of the prisoner.

The prisoner here made his voluntary statement which is herewith annexed and made part of this record, marked Exhibit A. The case is here submitted to the court.

The proceedings were read over and the statements of the parties being thus in the possession of the commission the court was closed for deliberation, and after having maturely considered the evidence adduced find the accused, William Shearin, as follows:

Of specification, first charge, guilty.
Of first charge, guilty.
Of specification, second charge, guilty.
Of second charge, guilty.
Of specification, third charge, guilty.
Of third charge, guilty.

And the commission do therefore sentence the said William Shearin to be shot to death at such time and place as the commanding general may direct.

SAML. A. HOLMES,
Lieutenant-Colonel and President of Commission.
M. ARMSTRONG,
Captain, Judge-Advocate of Military Commission.

Finding approved.

The sentence awarded will be carried into effect at such time and place as may be hereafter designated by the general commanding the department. In the meantime the prisoner will be kept in close confinement in Alton prison.

H. W. HALLECK,
Major-General.

EXHIBIT A.

When I came in to deliver myself up to Colonel Morton I thought that when I came in and gave myself up and arms up and took the oath not to fight any more that I would be protected and my property.

WILLIAM SHEARIN.

GENERAL ORDERS, No. 42. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, February 17, 1862.*

* * * * * * *

III. At the military commission which convened at Pacific, Mo., pursuant to Special Orders, No. 35, of January 12, 1862, from these headquarters, and of which Capt. A. W. Drips, Ninth Regiment Iowa Volunteers, is president, was arraigned and tried—

Isaac H. Breckinridge, a citizen of Franklin County, Mo.

CHARGE: Violation of the laws of war.

Specification 1.—In this, that Isaac H. Breckinridge did send clothing to his son, then a soldier in the army of the so-called Confederate States in rebellion against the lawful authority of the Government of the United States. This in Franklin County, Mo., in the summer or fall of the year 1861.

Specification 2.—In this, that the said Isaac H. Breckinridge did keep ammunition on his premises for the purpose of furnishing the same to men in rebellion against the lawful authority of the United States and did harbor and maintain persons in rebellion against the lawful authorities of the United States. This in the summer or fall of the year 1861 in Franklin County, Mo., in violation of the laws of war.

Specification 3.—In this, that the said Isaac H. Breckinridge did assist in an attempt to stop railroad trains and destroy the track of the southwestern branch of the Pacific Railroad. This on or about the 1st of July, 1861, in Franklin County, Mo., in violation of the laws of war.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner guilty as charged and does therefore sentence him, Isaac H. Breckinridge, to have all his property except his houses and lands confiscated to the use of the Government of the United States and that he be detained as a prisoner at hard labor until the end of the war.

Finding approved. The sentence is mitigated on condition that Isaac H. Breckinridge give bond in $5,000 to keep the peace against the Government of the United States and that he take the oath of allegiance. If mitigated sentence should not be complied with the original sentence will be enforced.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

Proceedings of a military commission convened at Columbia, Mo., February 24, 1862, pursuant to the following orders, viz:

SPECIAL ORDERS, No. 160. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *Saint Louis, February 24, 1862.*

* * * * * * *

IV. A military commission is hereby appointed to meet at Columbia, Mo., on Monday, the 24th instant, at 10 a. m., or as soon thereafter as practicable for the trial of such persons as may be brought before it.

Detail for the commission: Col. Lewis Merrill, Merrill's Horse; Lieut. Col. William F. Shaffer, Merrill's Horse; Capt. Theodore Pierson, Merrill's Horse; First Lieut. George M. Houston, Merrill's Horse; First Lieut. R. A. Howard, Merrill's Horse, who will act as judge-advocate and recorder.

The commission will sit without regard to hours.

By order of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

COLUMBIA, MO., *Monday, February 24, 1862—10 a. m.*

The commission met pursuant to the above orders.

Present: Col. Lewis Merrill; First Lieut. Robert A. Howard, judge-advocate and recorder; and First Lieut. George M. Houston; Lieut. Col. William F. Shaffer and Capt. Theo. Pierson absent.

The commission was organized, and being informed that the full commission could assemble to-morrow then adjourned until to-morrow at 10 a. m.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.

ROBERT A. HOWARD,
First Lieut., Merrill's Horse, Recorder Military Commission.

—

Trial of James Quisenberry for aiding and abetting the destruction of railroad property.

COLUMBIA, MO., *Tuesday, February 25, 1862—10 a. m.*

The commission met pursuant to the above order and adjournment, all the members present, and proceeded to the trial of James Quisenberry, a citizen of Boone County, Mo., who being called into court had the above order read in his hearing and was asked if he objected to be tried by any member named in the detail, to which he replied in the negative.

The commission was then duly sworn in the presence of the accused and the judge-advocate duly sworn by the president also in the presence of the accused.

The accused was then arraigned on the following charge and specification:

CHARGE: Aiding and abetting in the destruction of the property of the North Missouri Railroad Company.

Specification.—In this, that James Quisenberry, a citizen of Boone County, Mo., did join with a band of armed persons engaged in the destruction of the property of the North Missouri Railroad Company and by his presence did aid and abet the destruction by fire and otherwise of certain rails, ties, bridges and timbers belonging to and necessary to the use of said company in the transaction of their ordinary and legitimate business. All this at or near Sturgeon, Boone County, Mo., on or about the 21st day of December, 1861.

To which the prisoner pleaded as follows, viz:

To the specification, guilty.

To the charge, guilty.

The prosecution here rested; and the prisoner in open court made the following statement which with a full knowledge of its consequences to himself he states to be a voluntary and full confession of his crime:

My name is James Quisenberry. I will be eighteen years of age if I live till next August. On December 19, 1861, I started from home having had two days' notice with the understanding that we were going to join the army of General Price, and I did not know any better until we got on the railroad. The notice was given me by Captain Watson. I do not know that Captain Petty was along; I had no

acquaintance with him until he was brought here as a prisoner. Captain Searcy was along; he once taught in this university. We started on the night of the 19th from Brick Chapel, between Columbia and Fayette and about seven miles distant from this place. It was about 2 o'clock; we went direct to Germantown. We then went about four miles to the bridge on Perche Creek where we stopped about three hours. Some of the officers then held a council of war. John McKinney was also along whom I never knew till then. These three men were the leading men of the expedition so far as I know. After the council of war we moved on, it being still dark; rather northwest but I knew not to what point we were going. We arrived on the railroad in sight of Sturgeon above Sturgeon, and some of the men were ordered to tear up the railroad and others to guard them while they were tearing it up. About fifty yards of it were torn up at that place. I being ordered to guard the men while they were at it did so. Captain Watson and Captain Searcy gave the orders to tear it up. Houchens and Williamson took part in tearing up the road and Isaac Newland, who lives on the river-bottom about eight or nine miles from here. Barney Lynch also assisted who lives near the Brick Chapel, about eight miles from here. Doctor Coleman was appointed to guard the men while at work; Sam Langdon also was appointed as guard; Watson was also along. I was present within about 100 yards when the Sturgeon bridge was burnt but did not know the men who took part in it. Captain Watson was not with his company during the burning but left them with his orderly sergeant. I did not see him engaged in burning it. Captain Searcy was right up against the bridge with his company during the burning. They were all dismounted—some carrying fence-rails and some fire and others holding the horses. At the burning of the other bridge the name of which I do not remember—but it was about seven miles from Sturgeon—Captain Watson and his men dismounted and I saw him and them carrying fence-rails and throwing them on the fire after it was built. There was another man whose name I have forgotten but it is something like Sanders who started the fires at both bridges. I was in the fight next morning. The only men of Watson's company who remained in the fight were myself and Houchens and Williamson and Newland; all the others ran away.

The court was then cleared and after mature deliberation confirmed the plea of the prisoner and finds the prisoner, James Quisenberry—

Of the specification, guilty.

Of the charge, guilty.

And the court do therefore sentence him, James Quisenberry, to be shot to death at such time and place as the major-general commanding the department shall direct.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.
ROBERT A. HOWARD,
First Lieutenant, Merrill's Horse, Recorder Military Commission.

In consideration of the youth of the above-named James Quisenberry and the fact evident to the minds of the court that his crime was the result of too much confidence in the representations of designing men much older than himself by whom he was led into it; in consideration also of his full and frank confession of his guilt and of that of his older and wiser instigators and of his evidently sincere penitence for the crime of which he has been convicted, the members of the court without exception recommend his case to the commanding general as a fit one in which to exercise clemency and recommend that he be pardoned and released on taking the oath of allegiance and giving bonds for his future good behavior.

LEWIS MERRILL.
Colonel Regiment Merrill's Horse, President Military Commission.
WILLIAM F. SHAFFER,
Lieutenant-Colonel Merrill's Horse.
THEO. PIERSON,
Captain, Merrill's Horse.
GEORGE M. HOUSTON,
Lieutenant, Merrill's Horse.
ROBERT A. HOWARD,
Lieutenant, Merrill's Horse.

Finding approved. The commission having urgently recommended the prisoner to mercy and in consideration of his youth and his frank acknowledgment of guilt the sentence will be mitigated. He will be released from arrest upon his taking the oath of allegiance and filing a bond in $2,000 with proper securities for future good behavior and loyalty to the Government.

H. W. HALLECK,
Major-General.

Trial of James N. Lane for aiding in the destruction of railroad property.

The commission proceeded to the trial of James N. Lane, a citizen of Boone County, Mo., who being called into court had the above order* read in his hearing, and was asked if he objected to be tried by any member named in the detail to which he replied in the negative.

The commission was then duly sworn in the presence of the accused and the judge-advocate duly sworn by the president also in the presence of the accused.

The accused was then arraigned on the following charge and specification:

CHARGE: Aiding and abetting in the destruction of property of the North Missouri Railroad Company.

Specification.—In this, that James N. Lane, a citizen of Boone County, Mo., did join with a band of armed men engaged in the destruction of the property of the North Missouri Railroad and by his presence did aid and abet the destruction by fire or otherwise of certain rails, ties, bridges and timber belonging and necessary to the use of said company in the transaction of their ordinary and legitimate business. All this at or near Sturgeon, Boone County, Mo., on or about the 21st day of December, A. D. 1861.

To which the prisoner plead as follows, viz:

To specification, guilty.

To the charge, guilty.

The prosecution here rested, and the prisoner in open court made the following statement which with a full knowledge of its consequences to himself he states to be a voluntary and full confession of his crime:

My name is James N. Lane. I will be twenty-one years of age the 8th day of April next. I wish to make a frank and full explanation of my case to the court. On the Friday before Christmas of December, 1861, while I was at home in my father's house about six miles northwest of Columbia of this State I was called on by Dr. Coleman—who then resided about six miles north of Columbia but I know not where he is now—who told me to get ready; that they were going out on a scout for two or three days and that then they would come back again. By the word "they" Dr. Coleman meant Captain Watson's company. Dr. Coleman had given me notice also on the night previous, Thursday night, that they would perhaps go on a scout. He did not tell me what they were going to do. In Captain Watson's company there were about twenty-five or thirty persons as near as I can remember who went with us. The whole number that went on that night was about 400 or 500. We started at about 1 or 2 o'clock, and Captain Watson's company was I think the hindmost though there may have been another company behind that. I do not know who commanded the whole expedition. I knew only one of the officers of our company besides Captain Watson and his name is George Williamson. He was sergeant. Dr. Coleman went along. We went along—that is Captain Watson's company—toward the railroad, and on our way stopped about two hours to take two or three other companies but I do not know the names of their officers. We reached the railroad before daylight. They stopped awhile before they began to tear it up but I had no hand in tearing it up; and if I had known what they were going to do I would not have gone along, and a heap of the others who did not know what they were going to do did not take any hand in it. They began to tear it up at Sturgeon. They then burned the Sturgeon bridge and another one pretty near to Cen-

* Special Orders, No. 160, p. 448, convening and making detail for the commission.

tralia; after which we came back to the edge of the timber where we took breakfast and fed our horses and staid about an hour. We were then attacked by Captain Moss' company I think. We all ran and I came home. About two weeks before Dr. Coleman called on me as I have already stated, Samuel Langdon who lived about half a mile from my father's dwelling called on me and said that the South had the power over Missouri and would draft me if I did not go willingly and join the army of Price. I did not wish to be drafted, and so agreed to go willingly and was sworn in by Captain Watson to join the army of Price. This occurred on the day we went to the railroad. Hos Houchens also was along. Barney Lynch was another. He lives about ten miles from here in a sort of northwest direction. Charley Holten was also along. He lives about a mile and a half northwest from my father's house. George Nichols also was along. He lives about half a mile from Holten's, above named. James Quisenberry lives about five miles west from here and was along. Dr. Coleman is a physician. He lives about half a mile from my father's. Samuel Langdon lives about half a mile from my father's. He is a carpenter and stone mason. He took an active part in getting persons to join Price's army. John McKinney, brother of Colonel McKinney, was also along. I saw him with a sledge hammer knocking off the ties from the railroad, and I saw him knocking them off from the end of the bridge. Harvey Palmer had a sledge hammer breaking up the ties and knocking them off from the road. He lives about a mile and a half northeast from my father's. Thomas Tolsen was also along; was in the fight. He lives about six miles northeast from my father's. Sant Haggard was also along and was in the fight. He rolled up a great bunch of the telegraph wire and threw it in the fire. He also made a fire around the posts which supported the bridge and helped to burn them. I also saw him cut down a post of the telegraph. James Nichols, brother of George, was also along. He cut one of the sills of the bridge about half in two. I would likewise here state that it was my wish to do what was right and to serve my country and that I was misled by others and I deeply regret the course I have pursued.

The court was then closed and after mature deliberation confirmed the plea of the prisoner and finds him, the prisoner, James N. Lane—

Of the specification, guilty.

Of the charge, guilty.

And the court do therefore sentence him, James N. Lane, to be shot to death at such time and place as the major-general commanding the department shall direct.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.
ROBERT A. HOWARD,
First Lieutenant, Merrill's Horse, Recorder Military Commission.

In consideration of the youth of the above-named person, James N. Lane, and the fact evident to the minds of the court that his crime was the result of too much confidence in the representations of designing men much older and wiser than himself by whom he was led into it; in consideration also of his full and frank confession of his guilt and of that of his older and more influential confederates and instigators, and of his evidently sincere penitence for the crime of which he has been convicted, the members of the court without exception recommend his case to the commanding general as a fit one in which to exercise clemency, and recommend that he be pardoned and released on taking the oath of allegiance and giving bonds for his future good behavior.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse.
WILLIAM F. SHAFFER,
Lieutenant-Colonel Merrill's Horse.
THEO. PIERSON,
Captain, Merrill's Horse.
ROBERT A. HOWARD,
Lieutenant, Merrill's Horse.
GEORGE M. HOUSTON,
Lieutenant, Merrill's Horse.

Finding approved. On recommendation of the commission the sentence will be mitigated and the prisoner released upon taking the oath of allegiance and giving bond in $2,000 with proper securities for his good behavior and future loyalty to the Government.

H. W. HALLECK,
Major-General.

Trial of Edmund J. Ellis, editor, for violating the laws of war by publishing intelligence to the enemy, etc.

COLUMBIA, MO., *Tuesday, February 25, 1862.*

The commission proceeded to the trial of Edmund J. Ellis, a citizen of Boone County, Mo., who being called into court had the above order* read in his hearing and was asked if he objected to be tried by any member named in detail, to which he replied in the negative.

The commission was then duly sworn in the presence of the accused and the judge-advocate duly sworn by the president also in the presence of the accused.

The prisoner was then arraigned on the following charges and specifications:

CHARGE 1: The publication of information for the benefit of the enemy and encouraging resistance to the Government and laws of the United States.

Specification 1.—In this, that in a public newspaper published in the town of Columbia, county of Boone, State of Missouri, called The Boone County Standard of which paper the said Edmund J. Ellis was editor and proprietor on the 15th day of November, A. D. 1861, the said Edmund J. Ellis permitted and caused to be printed and published an article, entitled "Letters from Our Army," design and object of which publication was to encourage and further rebellion against the existing Government of the United States.

Specification 2.—In this, that in a public newspaper published in the town of Columbia county of Boone and State of Missouri styled and called The Boone County Standard of which paper the said Edmund J. Ellis was editor and proprietor, the said Edmund J. Ellis on the 15th day of November, A. D. 1861, at Columbia aforesaid printed and published and caused to be printed and published an article entitled "To the Civil Officers of Boone County," which said article contained treasonable matter and was designed and intended to encourage resistance to the Government and laws of the United States.

Specification 3.—In this, that in a public newspaper published in the town of Columbia, county of Boone and State of Missouri styled and called The Boone County Standard of which paper the said Edmund J. Ellis was editor and proprietor, the said Edmund J. Ellis on the 22d day of November, A. D. 1861, at Columbia aforesaid printed and published and caused to be printed and published a certain article entitled "Root, Abe, or Die," which said article was designed and intended to encourage resistance to the Government and laws of the United States.

Specification 4.—In this, that in a public newspaper published in the town of Columbia, county of Boone and State of Missouri styled and called The Boone County Standard of which paper the said Edmund J. Ellis was editor and proprietor, the said Edmund J. Ellis on the 13th day of December, A. D. 1861, at Columbia aforesaid printed and published and caused to be printed and published a certain article entitled "The U. S. Flag—Rebellion," which said article contained treasonable matter and was designed and intended to encourage resistance to the Government and laws of the United States.

Specification 5.—In this, that in a public newspaper published in the town of Columbia, county of Boone and State of Missouri, styled and called The Boone County Standard, of which paper the said Edmund J. Ellis was editor and proprietor, the said Edmund J. Ellis on the 3d day of January, A. D. 1862, at Columbia aforesaid printed and published and caused to be printed and published a certain article entitled "Carrier's Address," which said article contained treasonable matter and was designed and intended to encourage resistance to the Government and laws of the United States.

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* Special Orders, No. 160, p. 448, convening and making detail for the commission.

Specification 6.—In this, that in a public newspaper published in the town of Columbia, county of Boone and State of Missouri, styled and called The Boone County Standard of which paper the said Edmund J. Ellis was editor and proprietor, the said Edmund J. Ellis on the 7th day of February, A. D. 1862, at Columbia aforesaid printed and published and caused to be printed and published a certain article entitled "News from General Price," the design and object of which article was to give information to the enemies of the Government and to encourage resistance to the Government and laws of the United States.

CHARGE 2: Violation of the laws of war by the publication within the lines of the troops of the United States in a public newspaper of articles and information intended and designed to comfort the enemy and incite persons to rebellion against the Government of the United States.

Specification 1.—In this, that in a public newspaper printed and published in the town of Columbia, county of Boone, State of Missouri, styled and called The Boone County Standard of which said newspaper the said Edmund J. Ellis was the editor and proprietor, the said Edmund J. Ellis on the 29th day of November, 1861, at Columbia did publish and cause to be published a certain treasonable and seditious communication, viz, a letter addressed to the people of Kentucky and signed by J. C. Breckinridge, by which publication the said Edmund J. Ellis designed and intended to comfort the enemy and incite to rebellion against the Government of the United States persons within the lines of the troops of the United States.

Specification 2.—In this, that the said Edmund J. Ellis did print and publish and cause to be printed and published and circulated within the lines of the United States a certain pamphlet styled "To the Patriot Army of Missouri," which pamphlet was calculated and designed to give aid to the enemy and to encourage and incite to acts of insurrection the people living within these said lines of troops; which pamphlet is hereto appended and marked. All this at or near Columbia, Mo., on or about the first day of October, 1861.

Specification 3.—That in a public newspaper printed and published in the town of Columbia, Boone County, Mo., known and styled as The Boone County Standard of which said newspaper the said Edmund J. Ellis was the editor and proprietor, the said Edmund J. Ellis did on the 6th day of December, 1861, at Columbia publish and cause to be published certain articles, viz, a treasonable and seditious article styled "Proclamation to the people of Central and North Missouri" and signed "Sterling Price, major-general commanding," and a certain other treasonable and seditious article entitled "Convention between the State of Missouri and the Government of the Confederate States," and signed "E. C. Cabell, Thomas L. Snead and R. M. T. Hunter," also a certain other treasonable and seditious article entitled "Message of President Jefferson Davis to the Congress of the Confederate States" and signed "Jefferson Davis, Richmond, November 18, 1861." All of which articles were published with the intent and design of giving comfort to the enemy and of inciting to rebellion against the Government of the United States persons within the lines of the troops of the United States.

To which several charges and specifications the accused interposed his plea to the jurisdiction of the court as follows, viz:

The accused, Edmund J. Ellis, objects and excepts to the jurisdiction of the court or military commission on all the matters and things stated in the two charges and the various specifications thereunder on the grounds following, viz: That the matters and things therein stated and charged (admitting them to be true, the truth of which, however, he controverts) are wholly and exclusively of civil cognizance.

Second. Because there is no supervision of the arm of civil power, no obstruction to judicial process and hence no sudden and extraordinary necessity (so far as the present case is concerned) for the intervention of a summary military commission or any military authority whatever.

Third. Because the matters and things stated in the said charges and specifications if criminal at all are violations of the Constitution and civil law of the land for the punishment of which tribunals of justice are provided, military commissions being unknown to the Constitution and laws of the United States.

Whereupon the court having been cleared proceeded to consider said plea and after mature deliberation overruled the said plea.

Whereupon the court having been again opened and the decision announced to the prisoner the prisoner pleaded as follows, viz:

To the specifications, not guilty, and to the charges, not guilty.

The court then adjourned at 6 p. m. until 10 o'clock Wednesday morning, February 26, 1862.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.
ROBERT A. HOWARD,
First Lieutenant, Merrill's Horse, Recorder Military Commission.

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WEDNESDAY, *February 26, 1862.*

The court met pursuant to adjournment, all the members present.

EDWARD REYNOLDS, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your age, place of residence and occupation?

Answer. I am nineteen years old; reside in Columbia; I am a printer by trade.

Question. Are you acquainted with the accused, Edmund J. Ellis? If yes, state how long you have known the said Ellis and what is his occupation or business.

Answer. I know the accused. Have known him about ten months. He (Ellis) is a printer by trade and has been ever since I have known him the editor of The Boone County Standard.

(Here the witness was handed copies of the newspaper styled The Boone County Standard for the following dates, respectively, viz: Friday, November 15, 1861; Friday, November 22, 1861; Friday, November 29, 1861; Friday, December 6, 1861; Friday, December 13, 1861; Friday, January 3, 1862; Friday, February 7, 1862.)

Question. Examine the papers shown to you and state whether or not they are copies of the paper you have just referred to and whatever you know with regard to their publication with your means of knowledge.

Answer. These are copies of The Boone County Standard that I have worked upon for the last nine months. Mr. Ellis, the accused, was the only editor I ever knew for the paper.

(The papers thus referred to were then offered in evidence and no objection being made accepted, and are hereto attached, marked respectively exhibits B, C, D, E, F, G and H and made part of the testimony for the prosecution in this case.)

Question. Examine the articles styled "Letter from our Army" and "To the Civil Officers of Boone County" in the paper now shown you and state what if anything you know of their authorship.

(Here the witness was handed newspaper marked Exhibit B.)

Answer. Both articles are communications. I do not know who wrote them. The first I know to be communication; the other I believe to be.

Question. Examine the paper now shown to you and state what if anything you know of the authorship of the article entitled "The U. S. Flag—Rebellion."

(Here the witness was handed newspaper marked Exhibit F.)

Answer. I do not recollect the author of that if I know him. I suppose it to be editorial.

Question. Examine the paper now shown to you and state what if anything you know of the authorship of the article entitled "Carrier's Address."

(Here the witness was handed newspaper marked Exhibit G.)

Answer. I believe the man's name who wrote it was Dysen.

Question. Examine the pamphlet now shown to you and state what if anything you know of its publication; where it was printed, by whom, how many copies were printed, by whom circulated, by whom written. State all you know connected with it.

(Here the witness was handed pamphlet "To the Patriot Army of Missouri.")

Answer. It was printed in The Boone County Standard office. I think 300 copies were printed. Don't know who wrote it. Don't know who circulated it. Don't know who it was printed for.

The pamphlet was here offered in evidence and no objection having been made accepted, and is hereto attached, marked Exhibit A and made part of the testimony for the prosecution in this case.

By a MEMBER:

Question. What became of the copies of the pamphlet marked A of which you say some 300 copies were printed?

Answer. They were taken from the office. Don't know who by or where.

The prosecution here rested and the prisoner produced the following evidence:

EDWARD REYNOLDS, a witness for the defense having been duly sworn testified as follows:

By the PRISONER:

Question. Do you know of any copies of said pamphlet having been circulated by Edmund J. Ellis, or by anyone else at his instance?

Answer. I do not.

Question. Was your position as an employé such that you had a good opportunity of knowing whether it was so circulated?

Answer. Yes.

The defense here rested, and the prisoner declining to make any statement or address submitted the case to the court.

The court was then cleared and after mature deliberation upon the testimony adduced find the prisoner, Edmund J. Ellis, as follows, viz:

Of the first specification of the first charge, guilty.
Of the second specification of the first charge, guilty.
Of the third specification of the first charge, guilty.
Of the fourth specification of the first charge, guilty.
Of the fifth specification of the first charge, guilty.
Of the sixth specification of the first charge, guilty.
Of the first charge, guilty.
Of the first specification of the second charge, guilty.
Of the second specification of the second charge, guilty.
Of the third specification of second charge, guilty.
Of the second charge, guilty.

And the commission does therefore sentence him, the said Edmund J. Ellis, to be placed and kept outside the lines of the State of Missouri

during the war and that the press, types, furniture and material of the printing office of The Boone County Standard be confiscated and sold for the use of the United States.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.
ROBERT A. HOWARD,
First Lieutenant, Merrill's Horse, Recorder Military Commission.

Finding and sentence approved. The press, types, furniture and material of the printing office of The Boone County Standard will remain in charge of the quartermaster's department till further orders. The proper commanding officer will see that the prisoner, Edmund J. Ellis, is placed outside of the State of Missouri. Should he return within the lines of this State during the war without proper permission he will be arrested and placed in close confinement in the Alton military prison.

H. W. HALLECK,
Major-General.

Trial of William F. Petty, accused of aiding in the destruction of railway property.

COLUMBIA, MO., *Saturday, March 1, 1862.*

Court proceeded to the trial of William F. Petty, who being called into court had the above order* read in his hearing and was asked if he objected to being tried by any member named in the detail, to which he replied in the negative.

The commission was then duly sworn in the presence of the accused and the judge-advocate duly sworn also in his presence.

The accused was then arraigned on the following charge and specification:

CHARGE: Aiding and abetting in the destruction of property of the North Missouri Railroad Company.

Specification.—In this, that William F. Petty, a citizen of Boone County, Mo., did aid and assist and incite others to aid and assist in the destruction by fire or otherwise of certain rails, ties, bridges and timbers belonging to and necessary for the use of the North Missouri Railroad Company in the transaction of their ordinary business. All this at or near Sturgeon, Mo., on or about the 21st day of December, 1861.

To which the prisoner pleaded as follows:

To the specification, not guilty.

To the charge, not guilty.

All persons required to give evidence were directed to withdraw and remain in waiting till called for.

JACOB CROSSWHITE, citizen, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. Are you acquainted with the prisoner at the bar? If so state how long you have known him and where he resides.

Answer. Have seen him good many times. I am not much acquainted with him, however. He lives in Howard County; I think about eight miles from Rocheport.

* Special Orders, No. 160, p. 448, convening and making detail for the commission.

Question. What is your age, place of residence and occupation?

Answer. I am twenty-nine years old; live at Sturgeon. Have not done much lately. Have been merchant, farmer and carpenter.

Question. State when and where you last saw prisoner and under what circumstances.

Answer. The last time I saw prisoner before I came here I saw him about one and one-half miles from Sturgeon about 23d or 24th of December, 1861. Saw him in a lane with a squad of men with him.

Question. State where you were at the time the Sturgeon bridge was destroyed on the 21st of December last; what you know of the circumstances attending the destruction; whether or not you saw the prisoner at or about that time; and if so where and what he was doing.

Answer. I was at the bridge at the time it was on fire. There were some 400 or 500 men there. I had been taken a prisoner in Sturgeon before the fire. Was at home in bed when some men came to my house, burst open the door, called me to strike a light. I did so. A man put his hand on my shoulder and told me I was his prisoner. I dressed myself and they carried me up in town; from there to Sturgeon bridge. The bridge was on fire and a good many there. Some were standing around; some piling up chunks on the fire; some tearing up railroad track. From that place we marched about four miles to Long Branch bridge; found that afire; staid there two or three hours. There were a good many men there; had gone down from Sturgeon bridge. After the bridge was pretty well burned down we went back to Sturgeon. I did not see prisoner at either bridge. First saw him next morning at Mr. Riggs', two and one-half miles southwest of Sturgeon, where the band camped. He was in the crowd of men who had burned down the bridge and tore up the railroad the night before. 'Twixt daylight and sun-up a crowd of cavalry attacked them. Some few men fought awhile; the rest ran. Don't recollect seeing him any more until we got three or four miles from place of fight. I was still prisoner of the bridge-burners. They stopped on White Oak Ridge. They there released Schooler, another prisoner they had, and carried me on with them. They next stopped for any length of time at prisoner's house. I was released on parole near prisoner's house. W. R. Schooler and Adam Gosling were prisoners with me.

Question. In what capacity did prisoner act when you saw him at this time?

Answer. He was called by the men there captain. He seemed to have management of a squad of men.

By the PRISONER:

Question. Have you known the prisoner intimately or as a mere passing acquaintance?

Answer. He has been in Sturgeon frequently and I have seen him there but have no intimate acquaintance with him. Have not had fifteen minutes' conversation at one time with him in my life.

Question. State as nearly as you can what time it was when you saw prisoner at Riggs'. Was it broad daylight or not?

Answer. Was not broad daylight; soon after we got to camp; just before daylight.

Question. What time was it when you saw prisoner at the White Oak Ridge and how far is it from Sturgeon to said ridge?

Answer. It was in the neighborhood of 8 o'clock in the morning. It was something near about four and one-half or five miles.

Question. Are you now under indictment in the Boone circuit court for a criminal offense?

(Objected to by the judge-advocate for the following reasons: First, because it is not proper cross-examination; second, because the answer of prisoner is not the best evidence of fact. Objection [sustained.])

WILLIAM R. SCHOOLER, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your age, place of residence and occupation?

Answer. I am forty years old; reside in Sturgeon, Boone County. Have not been doing anything for several months.

Question. State where you were at the time the Sturgeon bridge was destroyed on the 21st of December last; what you know of the circumstances attending the destruction; whether or not you saw the prisoner on or about that time; and if so where and what was he doing.

Answer. I was at or near bridge when it was destroyed. I was taken prisoner at my house in Sturgeon between 10 and 11 o'clock that night and taken down to bridge. When I got there the bridge was on fire. There were a great many people there. Some were carrying and throwing things on the flames. Some were sitting on horses looking on. Some warming at fire. Some chopping the sills and tearing up rails of the railroad. I think there were about 200 men there. After this we went to the Long Branch bridge. When I arrived there that was on fire. Had just begun to burn. The crowd did about the same things they did at Sturgeon bridge. Staid there some time. Then returned passing through Sturgeon. Went about two miles and a half west of Sturgeon. Then we stopped in Mr. Riggs' pasture. Did not stay there long. Got into a fight with Federal troops and I did some tall running along with the rest of them. Rode about one and one-quarter or one mile and a half from there to Widow Baker's. Men who were with me put to the brush. I broke for Widow Baker's. I was recaptured there and taken two or three miles into the White Oaks. There they released me between 8 and 10 o'clock in the morning. The first time I saw prisoner was at Riggs' pasture where we encamped. He walked toward me and shook hands with me. Next time I saw him was after the fight began. He was trying to rally some men. Did not see him any more afterward.

Question. Who was prisoner with when you saw him at these times and in what capacity did he act?

Answer. He was with the party encamped on the ground at Riggs' which was the party who had burned the bridges and tore up the tracks, mixing with them and appearing to be on good terms with them. In the fight he was with section or bridge-burning party. From the capacity in which he acted I supposed him to be an officer. The last I saw [of] him he was trying to rally some men to fight against Federal troops. In the pasture field he appeared to act as the others, but in the fight he with one or two others attempted to rally the men when they commenced to run.

By the PRISONER:

Question. Are you intimately or passingly acquainted with the prisoner?

Answer. Am passingly acquainted with him.

Question. What time of day was it when you say you saw prisoner and shook hands with him? You are satisfied beyond all doubt that the prisoner Petty is the man to whom you then spoke?

Answer. Between 7 and 8 o'clock I suppose in the morning. I have no doubts of its being same man.

ADAM GOSLING, witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your age, place of residence and occupation?

Answer. Am forty-two years old; reside at Sturgeon; am carpenter by trade.

Question. Are you acquainted with prisoner? If so how long have you known him and where does he reside?

Answer. Know prisoner. Have known him I presume fifteen years. Lives in Boone County. I think in Perche Township.

Question. State where you were at the time the Sturgeon bridge was destroyed on the 21st of December last; what you know of the circumstances attending the destruction; whether or not you saw the prisoner at or about that time; and if so where and what he was doing.

Answer. I was at home in bed. A large quantity of mounted cavalry were sent to my house and took me from bed and told me I was their prisoner and to go with them. Put on my clothes and went with them to the front street. He took me to Captain Watson who took charge of me. Was keeping grocery in Sturgeon at that time. As many of the men as could get in came into the store. After awhile men started to Sturgeon bridge taking me along. When we got there the bridge was burning. Suppose there were from 300 to 500 men there. They were putting rails to bridge to make it burn. We staid there a little while then fell in and marched to Long Branch bridge. When we got there bridge was burning. Staid there some considerable time. Came back to Sturgeon from Long Branch bridge. Then went about three miles to camp at Riggs'. Standing around fire there Mr. Petty came and made himself known. Shook hands with me. A company of U. S. cavalry attacked the camp. I ran off to house. Prisoner was with the party who took me out of bed, burnt the bridges and destroyed the road.

By the PRISONER:

Question. What time of day was it that the prisoner made himself known to you; was it broad daylight? How was the person dressed who spoke to you?

Answer. Do not think it was hardly daylight. Think he had on probably an overcoat, and dress something similar to what he has on now. Don't recollect color of dress or whether he had hat or cap on.

Question. At what time did you leave Sturgeon on the night of December 21, 1861? At what time and what distance from Riggs' pasture were you released?

Answer. Left Sturgeon night of the 20th somewhere between 11 and 12 o'clock. Was in house in Riggs' pasture just after daylight next morning.

Prosecution rests.

JONATHAN M. MCKINNEY, a witness for defense, being duly sworn testified as follows:

By the PRISONER:

Question. Where do you reside? What is your age and occupation?

Answer. In Boone County, about twelve or fourteen miles northwest of Columbia; age about forty; occupation, farmer.

Question. Where were you on the night of 20th of December, 1861? Did you or not see the prisoner on the night of the said 20th of December? If so, where, at what time of night and under what circumstances?

Answer. On the day of the 20th of December, 1861, went to my neighbor Mr. Sexton's mill, where I staid until about 9 p. m. I then went home and staid there balance of the night. After going home from Mr. Sexton's and going into the house and sitting awhile I heard a knock at the door. Mr. Petty, the prisoner, came in.

Question. How far do you reside from the town of Sturgeon and how far does prisoner reside from Sturgeon?

Answer. I reside about eighteen or twenty miles from Sturgeon; Mr. Petty perhaps twelve or fourteen miles.

Question. At what time on the night of the 20th did the prisoner leave your house?

Answer. Can't say exactly. As near as I can guess at it about 10 o'clock.

By a MEMBER OF THE COURT:

Question. By what means do you remember distinctly that it was the 20th of December that you saw Mr. Petty at your house?

Answer. I have a receipt here handed to me since I have been in court which I gave Mr. Petty at that time.

(Copy of receipt:)

Received of William F. Petty, on settlement, $17.35, the 20th day of December, 1861.

JONATHAN M. McKINNEY.

Question. What did the prisoner come to your house for?

Answer. He did not tell any particular business. It was cold and I invited him to the fire. I remarked that there was some unsettled business and he offered to settle it then.

The prisoner here stated that he desired to take the evidence of a material witness whose attendance he had secured but who was incapacitated by drunkenness to testify, whereupon at his request at 4 p. m. the court adjourned until 7 p. m. same day.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.

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SATURDAY, *March 1, 1862—7 p. m.*

Court met pursuant to adjournment. It appearing to the court that the witness for the defense was still unfit to testify at the request of the prisoner the court ordered the witness to be closely confined in charge of the guard, and at 7 p. m. adjourned until 10 o'clock Monday morning, March 3.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.

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MONDAY, *March 3, 1862.*

CHARLES E. SEXTON, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. Did you see Jonathan M. McKinney on the 20th day of December last? If so where did you see him?

Answer. I saw him on the 20th day of December last. He was at my mill in the evening, and later in the evening was at my slaughter pen where I was killing hogs.

Question. What work or business were you engaged in that day?

Answer. I was killing hogs.

Question. At what time did McKinney leave your house on that evening?

Answer. I think it was about 9 o'clock.

By the JUDGE-ADVOCATE:

Question. What means have you of fixing this date as December 20?

Answer. I remember that the next day which was Saturday I heard that the railroad had been torn up and I know that was the night before.

Question. By what circumstances do you recollect that McKinney called on you that day?

Answer. We sat by the fire together several hours.

WILLIAM PATTON, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. In what part of Boone County do you reside?

Answer. I live in Perche Township close to Mr. Petty.

Question. How far is your house from that of prisoner?

Answer. About 150 yards. House belongs to Mr. Petty. I rent it from him.

Question. When and where did you last see the prisoner Petty previous to his arrest?

Answer. I saw him at Mr. Petty's house about the 1st of February.

Question. Do you recollect about the time the North Missouri Railroad was torn up? If so how long after it was torn up was it that you heard of it?

Answer. I recollect the time. I heard of it next day. I understood it was torn up Saturday morning. Heard of it on that day.

Question. Did you or not see the prisoner on the day you heard of the tearing up of the said road?

Answer. I saw him I think late that evening. Sun about an hour and a half high.

The court having here taken a short recess upon again sitting the witness was asked the following question by the prisoner:

Did you or not see the prisoner on the morning of the day that you heard the road was torn up? If so what time in the morning was it and where?

The question was objected to by the president of the court on the ground that it was leading; that the witness had already testified as to the time at which he saw the prisoner on the day in question, and that the tendency of the question is to make their witness contradict himself and so invalidate their own evidence.

The objection was sustained by the court after deliberation.

The court having again opened the examination proceeded as follows:

By the PRISONER:

Question. Do you mean to state that you saw the prisoner once only on the day stated?

To which question the judge-advocate objected for the following reasons: That [it] is cross-examination; that the question is leading and subject to the same objections as the preceding question.

Whereupon the court having been cleared after mature deliberation sustained the objection.

The court having been again opened the examination proceeded as follows:

By the PRISONER:

Question. State if you knew where prisoner was on the morning of the day you heard the railroad was destroyed.

Answer. I saw Mr. Petty on the morning of the day I heard the railroad was torn up at my house about two hours and a half before day.

Question. From what place and course did prisoner come at the time last told?

Answer. Was coming from right, due south, toward his residence, going north.

Question. Was any one with the prisoner at the time last stated?

Answer. No, sir.

By a MEMBER OF THE COURT:

Question. Who told you about the road having been torn up?

Answer. I don't recollect. Several came into the post-office which was kept by Mr. Petty and talked about it.

Question. What was Mr. Petty doing at the time you saw him before day?

Answer. Riding along the road.

Question. How did you happen to be up and about at that time?

Answer. I had a sick child. I went out to the wood pile to get some wood and saw him coming along riding a yellow horse and spoke to him.

Here the defense rested.

At the request of the prisoner the court here adjourned at 4 p. m. until 6 p. m. same day to enable the prisoner to prepare statement in his defense.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.
ROBERT A. HOWARD,
First Lieutenant, Merrill's Horse, Recorder Military Commission.

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MONDAY, *March 3, 1862—6 p. m.*

Court met pursuant to adjournment, all the members present.

The prisoner presented the following statement which at his request was read by the judge-advocate:

Defendant voluntarily states to the court he is entirely innocent of the charges preferred against him. He respectfully represents that on the morning of the 21st of December last, being the day succeeding the night on which the North Missouri Railroad was destroyed, he left his residence early in the morning (perhaps about two hours before day) intending to go to the town of Sturgeon, some sixteen miles distant, for the purpose of transacting some business wholly of a private nature with a Mr. Cross, the then postmaster at that place. On the way he met with the witness Patton as stated by him in his testimony. Proceeding on his way to Sturgeon when within about six miles west of that place (this was between 8 and 9 o'clock) he learned that there was a body of Federal troops in Sturgeon and that he would probably be arrested if he should go on whereupon he turned around and returned straight home where he remained all the evening seeing divers persons who came in to the post-office, this being mail day. Neither did the witness Gosling, Crosswhite and Schooler nor any mortal see defendant on that morning at Riggs' pasture nor at the fight named by them. They are either innocently mistaken as to the man or they have sworn falsely, and I fully believe they were mistaken from the fact that he had only a passing acquaintance with either of them. He had no company of men there or at any other time. He solemnly avers that he did not attempt to destroy the North Missouri Railroad or any of its property in any manner, shape or form at any time and under any circumstances; nor has he aided or abetted in so doing; nor has he incited or in any way influenced any one so to do. The injury to the road was accomplished without his knowledge and the announcement of the fact of its destruction was to him the first notice that such intention existed.

W. F. PETTY.

The court was then closed and after mature deliberation on the evidence adduced finds the prisoner, W. F. Petty, as follows:

Of the specification, guilty.

Of the charge, guilty.

And does therefore sentence the said W. F. Petty as follows: To be shot to death at such time and place as the commanding general of the department may direct.

The court was then opened and at 7.30 p.m. adjourned until 12 m. on the next day.

LEWIS MERRILL,
Colonel Regiment Merrill's Horse, President Military Commission.
ROBERT A. HOWARD,
First Lieutenant, Merrill's Horse, Recorder Military Commission.

The finding and sentence approved, and will be carried into effect at such time and place as may be hereafter designated by the general commanding this department. In the meantime the prisoner will be kept in close confinement at Alton prison.

H. W. HALLECK,
Major-General.

GENERAL ORDERS, No. 9. } HDQRS. DEPT. OF THE MISSISSIPPI, *Saint Louis, March 25, 1862.*

1. At the military commission which convened at Cape Girardeau, Mo., pursuant to Special Orders, No. 41, of January 14, 1862, from the headquarters Department of the Missouri, and of which Capt. Thomas A. Boyd, Seventeenth Illinois Volunteers, is president, were arraigned and tried:

William Kirk.

CHARGE: Violation of the laws of war.

Specification 1.—In this, that the said prisoner, William Kirk, did belong to a marauding or guerrilla band known as Jeff. Thompson's band in the State of Missouri; that the said William Kirk and others not known did unlawfully plunder and take away a certain yoke of oxen, wagon and other property belonging to one Washington L. McIntire, to wit, some time during the year 1861, the said Washington L. McIntire being a loyal citizen of the United States and a resident of the State of Missouri.

Specification 2.—In this, that the said William Kirk, prisoner, did belong to a marauding or guerrilla band in the State of Missouri and did during the year 1861 in the State of Missouri with certain other persons unlawfully plunder and take away a certain yoke of oxen, wagon and other property belonging to one Washington L. McIntire, the said Washington L. McIntire being a loyal citizen of the United States and a resident of the State of Missouri.

Specification 3.—In this, that the said William Kirk did on or about the 13th day of December, 1861, together with others unknown rob and plunder one Allen, a loyal citizen of the United States and a resident of the State of Missouri, and did then and there take and carry away one horse, the property of said Allen, a loyal citizen of the United States and a resident of the State of Missouri.

Specification 4.—In this, that the said William Kirk did belong to a marauding or guerrilla band in the State of Missouri, and did during the year 1861 with other persons take and drive away cattle belonging to one Echel and others, the said property belonging to loyal citizens of the United States and residents of the State of Missouri.

Specification 5.—In this, that the said William Kirk being a member of a marauding or guerrilla band did by force and threats compel one John Bliss, then being a loyal citizen, to take the oath of allegiance to the Southern Confederacy, the said John Bliss being a loyal citizen of the United States and a resident of the State of Missouri.

To which charge and specifications the prisoner pleaded not guilty.
The commission finds the prisoner as follows:
Of the first specification, guilty.
Of the second specification, guilty.
Of the third specification, guilty.
Of the fourth specification, not guilty.
Of the fifth specification, guilty.
Of the charge, guilty.
And does therefore sentence him, William Kirk, to imprisonment for the term of three years, and to be fined in the sum of $100.

Finding approved. Sentence mitigated to imprisonment during the war in military prison at Alton.

Stephen Bontwell.

CHARGE 1: Violation of the laws of war.

Specification 1.—In this, that the said Stephen Bontwell was on or about the 1st of August, A. D. 1861, a member of a marauding band known as Jeff. Thompson's men.

Specification 2.—In this, that the said Stephen Bontwell with others on or about the 1st of August, A. D. 1861, did capture and take prisoner without warrant or authority one Wolfgang Dunbarger, then a loyal citizen of the United States and a resident of the State of Missouri.

CHARGE 2: Robbery.

Specification 1.—In this, that the said Stephen Bontwell on or about August, A. D. 1861, with divers others did rob and plunder the property of Frank R. Huerney of great value, the said Huerney then being a loyal citizen of the United States and a resident of the State of Missouri.

Specification 2.—In this, that the said Stephen Bontwell with divers others on or about the month of December, A. D. 1861, did rob and plunder the property of one William Allen, a loyal citizen of the United States and a resident of the State of Missouri.

To which charges and specifications the prisoner pleaded not guilty.
The commission finds the prisoner as follows:
Of the first specification to first charge, guilty.
Of the second specification to first charge, guilty.
Of the first charge, guilty.
Of the first specification to second charge, guilty.
Of the second specification to second charge, not guilty.
Of the second charge, guilty.
And does therefore sentence him, Stephen Bontwell, to imprisonment for the term of three years and that he be fined in the sum of $500.

Finding approved. Sentence mitigated to imprisonment during the war. Will be confined in military prison at Alton.

John W. Montgomery.

CHARGE: Violating the laws of war.

Specification 1.—In this, that the said John W. Montgomery did belong to a marauding or guerrilla band in the State of Missouri during the year 1861.

Specification 2.—In this, that the said John W. Montgomery did assail and attempt to kill one Isaac Gibbs by shooting at the said Isaac Gibbs, the ball passing through his overcoat, saddle-bags, saddle-skirts and lodging in his saddle-blanket, the said Isaac Gibbs then being a loyal citizen of the United States and a resident of the State of Missouri. All this during the year 1861.

Specification 3.—In this, that the said John W. Montgomery did belong to a marauding or guerrilla band and with others did attack loyal persons in the U. S. service and did shoot at men employed in the same at the same time killing one horse from under one of them, and by such acts did commit treasonable acts against the Government of the United States during the year 1861.

Specification 4.—In this, that the said John W. Montgomery did during the year 1861 commit treasonable acts toward the Government of the United States by firing sundry shots at persons that were in the service of the United States and that were loyal to the United States. This in the State of Missouri in the year 1861.

Specification 5.—In this, that the said John W. Montgomery did drive cattle to the secesh camp of Jeff. Thompson thereby committing treasonable acts toward the Government of the United States by furnishing aid to the said rebel camp. This during the year 1861 in the State of Missouri.

Specification 6.—In this, that the said John W. Montgomery did drive to the town of Benton, Mo., a number of cattle and did deliver said cattle to an officer in the rebel camp, the said cattle belonging to Mr. Ulrick, Mr. Beckel and others known to be loyal to the Government of the United States and residents of the State of Missouri. This during the year 1861.

Specification 7.—In this, that the said John W. Montgomery has given aid to the enemy by purchasing and driving cattle and delivering the same to the camp of the rebels during the year 1861 in the State of Missouri.

To which charge and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the first specification, not guilty.

Of the second specification, guilty.

Of the third specification, not guilty.

Of the fourth specification, guilty.

Of the fifth specification, guilty.

Of the sixth specification, guilty.

Of the seventh specification, guilty.

Of the charge, guilty.

And does therefore sentence him, John W. Montgomery, to pay a fine of $500 and imprisonment at hard labor during the term of the war.

Finding approved. Sentence mitigated to imprisonment at hard labor during the war. Until further orders the prisoner will be confined in the military prison at Alton.

I. N. Giddings.

CHARGE 1: Spy in the rebel service.

Specification.—In this, that I. N. Giddings was a spy in the employ of General Jeff. Thompson and did convey information to said Thompson relating to the movements of Federal troops. All this in the years of 1861 and 1862 in the State of Missouri.

CHARGE 2: Violating the laws of war.

Specification.—In this, that I. N. Giddings did co-operate with the rebels and did furnish them with horses and other supplies to be used by said rebels against the Government of the United States. All this in the year A. D. 1861 in the State of Missouri.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the specification to first charge, not guilty.

Of the first charge, not guilty.

Of the specification to second charge, guilty.

Of the second charge, guilty.

Therefore sentence him, I. N. Giddings, to be imprisoned during the war.

Finding and sentence approved. Will be confined in military prison at Alton.

Isaac T. Jones.

CHARGE: Giving aid to the enemy.

Specification 1.—In this, that Isaac T. Jones, a resident of Stoddard County and State of Missouri, did on or about the month of September, 1861, and in the State of Missouri buy cattle for the Southern army thereby giving aid to said enemy.

Specification 2.—In this, that Isaac T. Jones did on or about the month of September, 1861, and in the State of Missouri aid the enemy by informing him (the enemy) where Union men lived and encouraging the enemy to injure or threaten injury to said Union men for the purpose of driving them from their homes or for impressing them into the service of the Southern army.

To which charge and specifications the prisoner pleaded as follows:

To the first specification, guilty.

To the second specification, not guilty.

To the charge, guilty.

The commission finds the prisoner guilty as charged and does therefore sentence him, Isaac T. Jones, to sixty days' labor on the fortifications now being built at Cape Girardeau, Mo.

Finding and sentence approved. Sentence will be carried into effect by commanding officer at Cape Girardeau.

Johnson Cruse.

CHARGE 1: Robbery.

Specification.—In this, that the said Johnson Cruse did during the last of July, 1861, or during the first of August, 1861, forcibly and feloniously and without the consent of the owner take and drive away from the farm of the owner, Richard Elliott, of Bollinger County, Mo., about nineteen beef-cattle worth $300.

CHARGE 2: Lying in wait and shooting at Union men.

Specification.—In this, that said Johnson Cruse did lie in wait upon a farm in Bollinger County, Mo., on the last of July, 1861, or the first of August, 1861, and shoot at with intent to kill Joshua Smith and Elisha Null and John Null in the county and State aforesaid, said Joshua Smith, Elisha Null and John Null being Union men and citizens of the State of Missouri.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner guilty as charged and does therefore sentence him, Johnson Cruse, to imprisonment in the military prison during the war.

Finding and sentence approved. Prisoner will be transferred to the military prison at Alton.

Joseph Bollinger.

CHARGE 1: Treasonable acts toward the Government of the United States.

Specification 1.—In this, that the said Joseph Bollinger was heretofore, to wit, on or about the 1st of October, A. D. 1861, a member of an unlawful band of individuals known as Jefferson Thompson's men in the State of Missouri, enemies and traitors to the Government of the United States.

Specification 2.—In this, that the said Joseph Bollinger heretofore, to wit, on the 1st of September, A. D. 1861, at and within the State of Missouri furnished aid and comfort to the enemy; in this, that the said Bollinger at the time aforesaid accompanied a certain officer of General Pillow's command pointing out to said officer where he could get horses and at said time and with said officer took a horse from one Daniel Smith, a loyal citizen of the United States and resident of the State of Missouri, compelling said Smith to accept in consideration therefor a certain currency known as scrip to the said Smith worthless.

CHARGE 2: Robbing and plundering the property of loyal citizens.

Specification.—In this, that the said Joseph Bollinger with others unknown on the 1st of October, A. D. 1861, in the county of Stoddard and State of Missouri forcibly and without his consent took and drove away one yoke of oxen, the property of one George Kunkle, then a loyal citizen of the United States and resident of the State of Missouri aforesaid.

CHARGE 3: Unlawful killing of a loyal citizen of the United States.

Specification.—In this, that the said Joseph Bollinger heretofore, to wit, on or about the last day of August, A. D. 1861, or the 1st day of September, A. D. 1861, with divers others unknown in the county of Stoddard or the county of Cape Girardeau and State of Missouri, did unlawfully and with malice aforethought kill one John Crowder, a loyal citizen of the United States and a resident of the State of Missouri.

CHARGE 4: Threatening to kill or hang a Union man.

Specification.—In this, that the said Joseph Bollinger did on or about the month of June, 1861, threaten to kill or hang in Stoddard County, Mo., one James Ritley, a Union citizen of the United States living in Stoddard County, Mo., and at same time and place did try to induce other persons to assist him, Joseph Bollinger, to kill or hang said James Ritley.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the first specification to first charge, guilty.
Of the second specification to first charge, not guilty.
Of the first charge, guilty.
Of the specification to second charge, not guilty.
Of the second charge, not guilty.
Of the specification to third charge, not guilty.
Of the third charge, not guilty.
Of the specification to fourth charge, not guilty.
Of the fourth charge, guilty.

And does therefore sentence him, Joseph Bollinger, of the county of Stoddard, State of Missouri, that he be fined $100 and be required to give a bond of $1,000 and with good and sufficient security approved by the proper authority for his good and loyal conduct during the war.

The prisoner having been acquitted of the only specification to charge four should have been acquitted of the charge. The finding and sentence approved except as above and so much as includes the fine of $100. The prisoner will be confined in Alton prison until satisfactory bond is given.

George C. Chandler.

CHARGE 1: Robbing and plundering the property of a Union man.

Specification.—In this, that the said George C. Chandler, a resident of Bollinger County and State of Missouri, did on or about the 5th day of January, 1862, with others take and kill about eight head of fat hogs belonging to R. Elliott worth about $48. All this in the county of Bollinger and State of Missouri.

CHARGE 2: Threatening to kill a Union man.

Specification.—In this, that the said George C. Chandler, a resident of Bollinger County and State of Missouri, did on or about the 5th day of January, 1862, threaten to kill one Charles Butler, a Union man and a resident of Bollinger County and State of Missouri.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the specification to first charge, not guilty.

Of the first charge, not guilty.

Of the specification to second charge, not guilty.

Of the second charge, not guilty.

And does therefore acquit him, George C. Chandler, of the charges and specifications preferred against him.

Finding and acquittal approved. George C. Chandler will be released from arrest.

II. At the military commission which convened at Fulton, Mo., pursuant to Special Orders, No. 62, of January 20, 1862, from the headquarters Department of the Missouri, and of which Captain Emanuel Mayne, Third Iowa Cavalry, is president, were arraigned and tried:

John Sallie.

CHARGE: Giving aid and comfort to rebels and furnishing supplies to rebels and rebel recruits.

Specification.—In this, that said John Sallie at the county of Callaway in the State of Missouri on the 25th day of December, 1861, did furnish a team to haul supplies to recruits then assembled or about to assemble in or near Concord in said county and State, for the purpose of joining the rebel army commanded by General Sterling Price, and the wagon and team of said Sallie were used to haul supplies to said recruits with his knowledge and consent, and the said Sallie himself contributed toward making up said supplies four pieces of meat and conducted the said team and supplies to the rebel recruits.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner guilty of the charge and specification, and does therefore sentence him, John Sallie, to pay a fine of $500 and costs of prosecution and that he be imprisoned until said fine and costs are paid and he takes and subscribes the usual oath of allegiance.

Finding approved. Sentence mitigated to imprisonment until such time as he, John Sallie, shall give bond in the sum of $1,000 to keep the peace as against the Government of the United States and that he take and subscribe the oath of allegiance.

Jefferson Trimble, alias Thomas Jefferson Trimble.

CHARGE: Giving aid and comfort to the rebels, furnishing them tents, provisions and other supplies.

Specification 1.—In this, that Jefferson Trimble, alias Thomas Jefferson Trimble, at the county of Callaway in the State of Missouri on or about the 20th day of December, 1861, did make and cause and permit to be made at his house one field tent to be given to and used by the rebels and the rebel recruits about that time raising in said county for Price's rebel army; and the said Trimble did contribute toward the

purchase of the material for the said tent; and did contribute flour, meat and other provisions for the rebels and rebel recruits and did go about over the neighborhood soliciting supplies for said recruits; and did have supplies of provisions brought to his house; and did load said tent, supplies and provisions into a wagon and did assist in concealing said wagon and supplies to prevent Government troops from finding and seizing same; and did start with said supplies to the rebels and a camp of rebel recruits in or near Concord and was only prevented from going the whole distance with said supplies to join said recruits by a sudden and severe attack of sickness.

Specification 2.—In this, that said Thomas J. Trimble at the county aforesaid about the 1st of December, 1861, did solicit recruits for the rebel army and advise and solicit persons to join the rebel army, and did enlist himself and start to join the rebel army under General Price and was only prevented from so doing by a sudden and severe attack of sickness.

To which charge and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, Jefferson Trimble, alias Thomas Jefferson Trimble, as follows:

Of the first specification, guilty, except the words "and the said Trimble did contribute toward the purchase of the material for said tent, and did contribute flour, meat and other provisions for the rebels and rebel recruits and did go about over the neighborhood soliciting supplies for said recruits."

Of the second specification, not guilty.

Of the charge, guilty.

And does therefore sentence him to pay a fine of $500 and in default of the payment thereof to be imprisoned during the war.

Sentence disapproved. The commission had no authority to confiscate private property not contraband of war. Jefferson Trimble, alias Thomas Jefferson Trimble, will be imprisoned during the war in military prison at Alton.

III. At the military commission which convened at Pacific, Mo., pursuant to Special Orders, No. 35, of January 12, 1862, from the headquarters Department of the Missouri, and of which Capt. A. W. Drips, Ninth Iowa Volunteers, is president, were arraigned and tried:

Langston T. Goode.

CHARGE 1: Violation of the laws of war.

Specification.—In this, that he, Langston T. Goode, did attempt to shoot soldiers of the volunteer force in the service of the United States when said soldiers were attempting to arrest him, the said Goode, in obedience to the commands of their superior officers. This in Franklin County, State of Missouri, on or about the 24th day of November, 1861, and in violation of the laws of war.

CHARGE 2: Encouraging and promoting rebellion against the Government of the United States.

Specification.—In this, that he, Langston T. Goode, did aid in forming a military company for the purpose of making war upon the Government of the United States and was himself a member of said military company. This in Franklin County, Mo., on or about the months of April or May in the year 1861 in violation of the laws of war.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the first specification, not guilty.

Of the second specification, guilty.

Of the charge, guilty.

And does therefore sentence him, Langston T. Goode, to forfeit all the money and property taken from him by Federal soldiers and now in possession of the Government and that he be detained as a prisoner at hard labor until the close of the present war.

Finding and sentence disapproved. While the commission evidently intended to convict the accused of charge 2 and its specification it failed to do so definitely. The evidence clearly establishes the active disloyalty of the prisoner and he will be retained in custody until he takes the oath of allegiance and gives bond for future good conduct.

Stephen Sullivan.

The commission finds the prisoner, Stephen Sullivan, guilty of the charges and specifications and does therefore sentence him to pay a fine of $5,000 and to forfeit to the United States all the property seized at the time of his capture or arrest and now in possession of the Government.

Finding and sentence disapproved, no charge or specification being embodied in the record. Stephen Sullivan will be released from arrest upon taking the oath of allegiance and giving bond of $5,000 for future good conduct and loyalty to the Government.

IV. At the military commission which convened at Warrenton, Mo., pursuant to Special Orders, No. 118, of February 6, 1862, from the headquarters Department of the Missouri, and of which Capt. E. H. Henry, Tenth Missouri Volunteers, is president, were arraigned and tried:

Joseph Sublett.

CHARGE 1: Firing into a train of cars.

Specification.—In this, that Joseph Sublett together with one John Hubbard did on or about the 20th day of July, 1861, at or near the town of Jonesburg, Montgomery County, Mo., on the North Missouri Railroad fire a gun or guns into and upon a train of railroad cars containing U. S. troops whereby one or more of said troops were killed.

CHARGE 2: Conspiring with parties to fire into train of railroad cars.

Specification.—In this, that he, the said Joseph Sublett, did on or about the 20th day of July, 1861, at High Hill, Montgomery County, Mo., conspire with Jacob Curtis, Thomas Williams, John Hunt, John Greenwell and other persons unknown to go to Jonesburg and attack and fire into the train on the North Missouri Railroad and upon U. S. troops therein.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the specification to first charge, guilty, except the words "whereby one or more of said troops were killed."

Of the first charge, guilty.

Of the specification to second charge, guilty.

Of the second charge, guilty.

And does therefore sentence him, Joseph Sublett, to close confinement at hard labor at such place as the commanding general may direct during the war.

Finding and sentence approved. The commission having recommended the prisoner to the clemency of the commanding general that part of the sentence relating to hard labor is remitted. The prisoner will be confined at Alton prison during the war.

William Lisk.

CHARGE 1: Violation of the laws of war.

Specification.—In this, that he, William Lisk, a citizen of Warren County, State of Missouri, did on or about July 20, 1861, in said county furnish voluntarily one gun to Jacob Curtis to be used in firing upon a train of railroad cars bearing U. S. troops.

CHARGE 2: Aiding and abetting rebellion against the Government and laws of the United States.

Specification 1.—In this, that he, William Lisk, a citizen of Warren County in the State of Missouri, did on or about the 1st day of July, 1861, in Montgomery County, Mo., offer to give one horse, saddle and gun to Joseph Sublett to take up arms against the Government and laws of the United States.

Specification 2.—In this, that he, William Lisk, did on or about the 30th day of July, 1861, in said county offer to hire and induce Joseph Sublett by money and bribes to take up arms against the United States.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, William Lisk, guilty of the charges and specifications and does therefore sentence him to close confinement at hard labor during the war at such place as the commanding general may direct.

Finding and sentence approved. Sentence will be carried into effect at military prison at Alton, Ill. Until further orders prisoner will be confined in Alton prison.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

GENERAL ORDERS, No. 12. } HDQRS. DEPT. OF THE MISSISSIPPI, *Saint Louis, March 28, 1862.*

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III. At the military commission which convened at Pilot Knob, Mo., pursuant to Special Orders, No. 84, of December 22, 1861, from the headquarters Department of the Missouri, and of which Col. Conrad Baker, First Indiana Cavalry, is president, were arraigned and tried:

James McClurg.

CHARGE: Murder.

Specification 1.—In this, that he, the said James McClurg did on the 26th day of August, A. D. 1861, at and within the county of Iron and State of Missouri unlawfully, wickedly, maliciously and in violation of the laws of war shoot kill and murder one Jacob Woolford a loyal citizen of the United States of America.

Specification 2.—In this, that he, the said James McClurg, on the 26th day of August, A. D. 1861, at and within the county of Iron and State of Missouri did maliciously, wickedly, feloniously and in violation of the laws of war stand by, advise, aid and assist in the killing and murder of one Jacob Woolford a loyal citizen of the United States of America.

To which charge and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, James McClurg, guilty as charged and does therefore sentence him to be shot to death at such time and place as the major-general commanding the Department of the Missouri may order and direct.

Finding approved and the sentence will be carried into effect at such time and place as the general commanding the department may hereafter designate. In the meantime the prisoner will be confined in a cell of Alton prison.

James Stout.

CHARGE: Murder.

Specification 1.—In this, that he, the said James Stout, did on the 26th day of August, A. D. 1861, at and within the county of Iron and State of Missouri unlawfully, wickedly, maliciously and in violation of the laws of war shoot, kill and murder one Jacob Woolford a loyal citizen of the United States of America.

Specification 2.—In this, that he, the said James Stout, on the 26th day of August, A. D. 1861, at and within the county of Iron and State of Missouri did maliciously, wickedly, feloniously and in violation of the laws of war stand by, advise, aid and assist in the killing and murder of one Jacob Woolford a loyal citizen of the United States of America.

To which charge and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, James Stout, guilty as charged and does therefore sentence him to be shot to death at such time and place as may be appointed and ordered by the major-general commanding the Department of the Missouri.

Finding approved. The sentence awarded will be carried into effect at such time and place as the major-general commanding shall hereafter designate. In the meantime the prisoner will be confined in a cell of Alton prison.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

GENERAL ORDERS, No. 15. } HDQRS. DEPT. OF THE MISSISSIPPI, *Saint Louis, April 3, 1862.*

At the military commission which convened at Danville, Mo., pursuant to Special Orders, No. 28, of January 10, 1862, from the headquarters Department of the Missouri, and of which Lieut. Col. Samuel A. Holmes, Tenth Missouri Volunteers, is president, were arraigned and tried:

James Penn.

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said James Penn on or about the 20th day of December, 1861, at the town of Wellsville in the county of Montgomery in the State of Missouri and within the lines occupied by the forces of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad track, ties, bridges, depots and other buildings and property of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said James Penn on or about the 20th day of December, A. D. 1861, at the town of Wellsville in the county of Montgomery in the State of Missouri and within the lines occupied by the forces of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph wires and poles and destroy the telegraph office at the town of Wellsville of the U. S. military telegraph along the line of the North Missouri Railroad. All this in and near the town of Wellsville in the county of Montgomery, State of Missouri, contrary to the laws and customs of war in like cases.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, James Penn, not guilty of the charges and specifications, and does therefore acquit him.

Finding and acquittal approved.

David H. Able.

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said David H. Able on or about the 20th day of December, A. D. 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad ties, track, bridges, depots and other property of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said David H. Able on or about the 20th day of December, A. D. 1861, at the town of Wellsville in the county of Montgomery in the State of Missouri and within the lines occupied by the troops of the United States did unlawfully, wilfully and maliciously cut down and destroy the telegraph poles and wires and burn and destroy the telegraph office at the town of Wellsville of the U. S. military telegraph along the line of the North Missouri Railroad in the said county of Montgomery and State of Missouri contrary to the laws and customs of war in like cases.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, David H. Able, not guilty of the charges and specifications and does therefore acquit him.

Finding and acquittal approved. The prisoner will be released from arrest.

Thomas Henly.

CHARGE: Violation of the laws and customs of war.

Specification.—In this, that the said Thomas Henly on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and within the lines occupied by the lawfully authorized military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces, the said Thomas Henley not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being then and there commanded by any competent civil or military authority, contrary to the laws and customs of war in like cases.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner, Thomas Henly, guilty of the charge and specification and does therefore sentence him to be confined and imprisoned at hard labor during the war at such place as the commanding general may direct.

Finding approved. The sentence will be mitigated to confinement during the present war in the military prison at Alton.

John H. Bently.

CHARGE: Violation of the laws and customs of war.

Specification.—In this, that the said John H. Bently on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and within the lines occupied by the lawfully authorized military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces of the United States, the said John H. Bently not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being lawfully commanded thereto by any competent civil or military authority, contrary to the laws and customs of war in like cases.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner, John H. Bently, guilty of the charge and specification and does therefore sentence him to be confined and imprisoned at hard labor during the war at such place as the commanding general may direct.

Finding approved. Sentence will be mitigated to imprisonment during the present war in the military prison at Alton.

Marshall Boswell.

CHARGE: Violation of the laws and customs of war.

Specification.—In this, that Marshall Boswell on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and within the lines occupied by the lawfully authorized military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces of the United States, the said Marshall Boswell not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being thereto lawfully commanded by any competent civil or military authority, contrary to the laws and customs of war in like cases.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner, Marshall Boswell, guilty of the charge and specification and does therefore sentence him to be confined and imprisoned at hard labor during the war at such place as the commanding general may direct.

Finding approved. The sentence will be mitigated to imprisonment during the present war in the military prison at Alton.

Samuel Rice.

CHARGE: Violation of the laws and customs of war.

Specification.—In this, that the said Samuel Rice on or about the 20th day of December, A. D. 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces, the said Samuel Rice not then and there being a soldier belonging to any lawfully authorized military force at war with the United States and without being then and there commanded by any competent civil or military authority, contrary to the laws and customs of war in like cases.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner, Samuel Rice, guilty of the charge and specification and does therefore sentence him to be confined and imprisoned at hard labor during the war at such place as the commanding general may direct.

Finding approved. The sentence will be mitigated to confinement during the present war in the military prison at Alton.

James Penn.

CHARGE: Violation of the laws and customs of war.

Specification.—In this, that the said James Penn on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and within

the lines occupied by the lawfully authorized military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces, the said James Penn not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being thereto lawfully commanded by any competent civil or military authority, contrary to the laws and customs of war in like cases.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner, James Penn, guilty of the charge and specification and does therefore sentence him to be confined and imprisoned at hard labor during the war at such place as the commanding general may direct.

Finding approved. The sentence will be mitigated to confinement during the present war in the military prison at Alton.

Robert Hawkins.

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said Robert Hawkins on or about the 20th day of December, A. D. 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the duly authorized military forces of the United States did wilfully, unlawfully and maliciously tear up, burn and destroy the rails, railroad track, ties, bridges, depots and other buildings the property of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said Robert Hawkins on or about the 20th day of December, 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the military forces of the United States did wilfully, unlawfully and maliciously cut down, burn and destroy the telegraph wires, poles and offices of the U. S. military telegraph along the line of the North Missouri Railroad in said county. All this in the county of Montgomery in the State of Missouri contrary to the laws and customs of war in like cases.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, Robert Hawkins, guilty of the charges and specifications and does therefore sentence him to be shot to death at such time and place as the commanding general shall direct.

Finding and sentence approved. The commission having recommended the prisoner to the clemency of the commanding general the sentence will be mitigated to imprisonment during the war in the military prison at Alton, Ill.

William J. Norris.

CHARGE 1: Destroying railroad and railroad property.

Specification.—In this, that the said William J. Norris on or about the 20th day of December, A. D. 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the military forces of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the railroad track, ties, bridges, depots and other property of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying telegraph lines.

Specification.—In this, that the said William J. Norris on or about the 20th day of December, 1861, in the county of Montgomery in the State of Missouri and within the lines occupied by the military forces of the United States did wilfully, unlawfully and maliciously cut down, burn and destroy the telegraph poles, wires and offices of the U. S. military telegraph along the line of the North Missouri Railroad in the county of Montgomery in the State of Missouri contrary to the laws and customs of war in like cases.

To which charges and specifications the prisoner pleaded guilty.

The commission finds the prisoner guilty as charged and does therefore sentence him, William J. Norris, to be shot to death at such time and place as the commanding general may direct.

Finding and sentence approved. The commission having recommended the prisoner to mercy the sentence will be mitigated to imprisonment during the war in the military prison at Alton, Ill.

Edward Wingfield.

CHARGE 1: Aiding and abetting in the destruction of railroad and telegraph lines.

Specification.—In this, that the said Edward Wingfield on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and within the lines occupied by the military forces of the United States did unlawfully meet and assemble with certain bands of armed men and did then and there advise and counsel the destruction of the North Missouri Railroad (so called), and did further then and there assist and abet the said persons in the destruction of the track, bridges and buildings of the said railroad by furnishing them with tools, implements, horses and other assistance contrary to the laws and customs of war in like cases.

CHARGE 2: Inciting unlawful warfare.

Specification.—In this, that the said Edward Wingfield on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and within the lines occupied by the forces of the United States did unlawfully meet together with divers other evil-disposed persons and did then and there incite, induce and procure the said persons to take up arms and to commit acts of hostility against the property of the United States and the property and persons in the peace and protection of said United States contrary to the laws and customs of war in like cases.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner guilty as charged and does therefore sentence him, Edward Wingfield, to pay to the North Missouri Railroad Company the sum of $5,000 and to be confined and imprisoned at hard labor during the war.

Finding approved. Sentence will be mitigated to imprisonment until such time as the prisoner shall take the oath of allegiance and give bond in $5,000 for future good conduct and loyalty to the Government.

John R. Williams.

CHARGE 1: Acting as a spy.

Specification.—In this, that the said John R. Williams on or about the 1st day of August, 1861, at the county of Montgomery and other places did wilfully and secretly enter the lines occupied by the regularly organized forces of the United States as a spy in the employ of enemies at war with the said United States and did for a long time thereafter act in the character of a spy giving information to the said enemies contrary to the laws and customs of war in like cases.

CHARGE 2: Destroying railroad and railroad property.

Specification.—In this, that the said John R. Williams on or about the 20th day of December, 1861, in the counties of Montgomery and Audrain in the State of Missouri and within the lines occupied by the lawfully organized forces of the United States did unlawfully, wilfully and maliciously tear up, burn and destroy the rails, railroad track, ties, bridges, depots and other buildings and property of the North Missouri Railroad Company (so called) contrary to the laws and customs of war in like cases.

CHARGE 3: Violation of the laws and customs of war.

Specification.—In this, that the said John R. Williams on or about the 20th day of December, 1861, at the county of Montgomery in the State of Missouri and at other times and places within the lines occupied by the lawfully authorized military forces of the United States did unlawfully and of his own wrong take up arms as an insurgent and commit acts of hostility against the said military forces and against the persons and property of peaceable citizens of the United States, the said John R. Williams not then and there being a soldier belonging to any lawfully authorized and organized military forces at war with the United States and without being thereto lawfully commanded by any competent civil or military authority contrary to the laws and customs of war in like cases.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the specification to first charge, not guilty.

Of the first charge, not guilty.

Of the specification to second charge, not guilty.

Of the second charge, not guilty.

Of the specification to third charge, guilty.

Of the third charge, guilty.

And does therefore sentence him, John R. Williams, to be confined and imprisoned at hard labor during the war at such place as the commanding general may appoint.

Finding approved. The sentence will be mitigated to imprisonment during the present war in the military prison at Alton.

Jefferson F. Jones.

CHARGE 1: Aiding and abetting in the destruction of railroad and telegraph lines.

Specification.—In this, that the said Jefferson F. Jones on or about the 20th day of December, A. D. 1861, in the county of Callaway in the State of Missouri and within the lines occupied by the lawfully authorized military forces of the United States did wilfully and unlawfully assemble and meet with one Jamison and other bands of armed men and did then and there counsel and advise the destruction of the North Missouri Railroad (so called) and the U. S. military telegraph line along the line of said railroad, and did further then and there assist and abet the said persons in the destruction of the track and bridges of said railroad and the poles and wires of the said telegraph line by furnishing said Jamison and others with tools, implements, horses and other assistance contrary to the laws and customs of war in like cases.

CHARGE 2: Inciting, aiding, and abetting insurrection.

Specification.—In this, that the said Jefferson F. Jones on or about the 20th day of December, A. D. 1861, in the county of Callaway in the State of Missouri and within the lines occupied by the lawfully authorized forces of the United States did wilfully and unlawfully meet together with one Jamison and divers other evil-disposed persons and did then and there incite and procure the said persons to take up arms and commit acts of hostility against the military forces of the United States and against property and persons in the peace and protection of the said United States, and did further aid and abet said persons in the commission of these wrongs by furnishing them arms, subsistence and other assistance contrary to the laws and customs of war in like cases.

CHARGE 3: Acting as a spy and holding unlawful communication with the enemy.

Specification.—In this, that the said Jefferson F. Jones on or about the 19th day of December, A. D. 1861, and for a long time prior thereto and while residing within the lines occupied by the lawfully organized military forces of the United States did secretly and unlawfully hold communication and correspondence with the enemies at war with the said United States with intent to aid and assist the said enemies contrary to the laws and customs of war in like cases.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, Jefferson F. Jones, not guilty of the charges and specifications and does therefore acquit him.

Finding and acquittal approved. Jefferson F. Jones will be released from arrest upon his taking the oath of allegiance and giving bonds for future good conduct.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

GENERAL ORDERS, No. 19. } HDQRS. DEPT. OF THE MISSISSIPPI, *Camp, Pittsburg Landing, Tenn., April 24, 1862.*

I. At the military commission which convened at Warrenton, Mo., pursuant to Special Orders, No. 118, of February 6, 1862, from the headquarters Department of the Missouri, and of which Capt. E. H. Henry, Tenth Missouri Volunteers, is president, were arraigned and tried:

* * * * * * *

Francis Skinner.

CHARGE 1: Violation of the laws of war.

Specification 1.—In this, that he, Francis Skinner, a citizen of Montgomery County, Mo., did in said county on or about the 10th day of June, 1861, counsel, invite and request Robert Skinner, John Skinner, Elmer Stowe and other persons unknown to burn and destroy the North Missouri Railroad to prevent the passage of U. S. troops thereon.

Specification 2.—In this, that the said Francis Skinner did in said county on or about the last day of July, 1861, make and cause to be made a certain arrangement, viz, a ditch or hole in the ground with pieces of timber prepared to be placed upright in said hole or ditch in such manner as to extend above the ties and railing on the North Missouri Railroad in said county in order to throw from said railroad the train bearing U. S. troops, and did then and there have and procure a number of men, about forty, with guns to fire upon said troops so thrown from the railroad.

CHARGE 2: Aiding and abetting rebellion against the Government and laws of the United States.

Specification 1.—In this, that he, Francis Skinner, a citizen of Montgomery County, Mo., did in said county on or about the 10th day of May, 1861, counsel, invite, request and procure Robert Skinner, Carelton Tennehill, William Nunly, Thomas Nunly, James Woody, Thomas Miller, Joseph Custer and other persons unknown to wave and unfurl publicly a secession flag in High Hill in said county.

Specification 2.—In this, that he, the said Francis Skinner, a citizen of said county, did in said county on or about the 27th day of October, 1861, counsel, advise and urge that all Union men should be compelled to leave that part of the country.

Specification 3.—In this, that he, the said Francis Skinner, being a citizen of said county did in said county on or about the 5th day of December, 1861, offer to furnish one mule ready shod to any man who wanted to join and aid Price's army.

Specification 4.—In this, that he, the said Francis Skinner, a citizen of said county, did in said county on or about the 16th day of September, 1861, give two guns, two mules and a certain quantity of money, amount unknown, to two men unknown to use in aid of Price's army.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

Of the first specification, first charge, not guilty.

Of the second specification, first charge, not guilty.

Of the first charge, not guilty.

Of the first specification, second charge, not guilty.

Of the second, third and fourth specifications, second charge, guilty.

And does therefore sentence him, Francis Skinner, to pay a fine of $2,000 for the use and benefit of the United States at such time and place as the commanding general may direct.

Finding approved; the sentence disapproved. The commission had no authority to confiscate private property not contraband of war. Francis Skinner will be retained in custody until he take and subscribe the oath of allegiance and give bond in $5,000 for future good conduct and loyalty to the Government.

II. At the military commission which convened at Columbia, Mo., pursuant to Special Orders, No. 160, of February 20, 1862, from the headquarters Department of the Missouri, and of which Lieut. Col. William F. Shaffer, Regiment Merrill's Horse, is president, were arraigned and tried:

Calvin Sartain.

CHARGE: Violation of the laws of war by attacking a vessel transporting U. S. troops.

Specification 1.—In this, that the said Calvin Sartain, a citizen of Howard County, Mo., did shoot and discharge a loaded gun at and into the steamer White Cloud, which said steamer was being used for the transportation of troops of the United States on the Missouri River; and the said Sartain did thereby with malice aforethought kill and murder a certain person whose name is unknown, the pilot of said boat. This near the Missouri River in Howard County, Mo., on or about the 25th day of August, 1861.

Specification 2.—In this, that the said Calvin Sartain, a citizen of Howard County, Mo., did aid and abet certain persons whose names are unknown in an armed attack upon the steamer White Cloud, which said steamer was engaged in the transportation of U. S. troops on the Missouri River. This near the Missouri River in Howard County, Mo., on or about the 25th day of August, 1861.

To which charge and specifications the prisoner pleaded not guilty.

The commission finds the prisoner as follows:

On the first specification, guilty, except as to the murder and killing of a certain person whose name is unknown, the pilot of the boat.

Of the second specification, guilty.

Of the charge, guilty.

And does therefore sentence him, Calvin Sartain, to be shot to death at such time and place as the commanding general of this department may direct.

Finding and sentence approved. Sentence will be carried into effect at a time and place to be hereafter designated by the general commanding this department. In the meantime the prisoner will be confined in the military prison at Alton.

James W. Barnes.

CHARGE: Violation of the laws of war by attacking the dwelling of a citizen of the State of Missouri with the intent to murder the occupants of said house.

Specification 1.—In this, that the said James W. Barnes on the 13th day of December, 1861, with certain other persons unknown attacked the dwelling-house of one Thomas H. Keene in Boone County, Mo., and with guns and pistols attempted to murder the occupants of said house. All this at Boone County, Mo.

Specification 2.—In this, that on the 13th day of December, 1861, the said James W. Barnes, a citizen of Boone County, Mo., did make an assault upon one Luther B. Caldwell, a citizen of Missouri, with intent to kill and murder the said Caldwell. All this at the county of Boone, State of Missouri.

Specification 3.—In this, that on the 13th day of December, 1861, the said James W. Barnes did incite certain persons unknown to make an armed attack upon the dwelling-house of one Thomas H. Keene, a citizen of Missouri, with the intent to murder occupants of said house. All this at Boone County, Mo.

To which charge and specifications the prisoner pleaded not guilty.

The Commission finds the prisoner guilty as charged, and does therefore sentence him, James W. Barnes, to be shot to death at such time and place as the commanding general of this department may direct.

Finding and sentence approved. Sentence will be carried into effect at a time and place to be hereafter designated by the general commanding this department. In the meantime the prisoner will be confined in the military prison at Alton.

Matthew Thompson.

CHARGE 1: Aiding and abetting in the destruction of property of the North Missouri Railroad Company.

Specification 1.—In this, that Matthew Thompson, a citizen of Boone County, Mo., did aid and abet by his presence among and joined with a band of armed men who were then and there engaged in the destruction by fire or otherwise of certain rails, ties, bridges and timbers belonging to and necessary to the use of the North Missouri Railroad Company in the transaction of their ordinary and legitimate business. All this at or near the town of Mexico, Mo., on or about the 21st day of December, 1861.

CHARGE 2: Violation of the laws of war by joining, aiding and assisting a band of robbers and bandits.

Specification 1.—In this, that Matthew Thompson did in company with one Cobb and other persons join a band of desperadoes whose object was plunder and robbery, and that the said Thompson for a long space of time, viz, from about the 1st day of November, 1861, taking advantage of the unsettled condition of the country has been joining with, aiding and assisting said band in the commission of acts of plunder, robbery and abuse of the citizens of the State of Missouri.

Specification 2.—In this, that the said Matthew Thompson did on the 21st day of December, 1861, attempt to steal and take away from one Conrad Pewlis, a citizen of Missouri, one horse to be appropriated to the use of said band of robbers and bandits. This at the house of said Conrad Pewlis in Audrain County, Mo.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, Matthew Thompson, guilty as charged, and does therefore sentence him to be hanged to death at such time and place as the commanding general of this department may direct.

Finding and sentence approved. Sentence will be carried into effect at such time and place as may be hereafter designated by the general commanding this department. In the meantime the prisoner will be confined in the military prison at Alton.

III. At the same military commission, Col. Lewis Merrill, Regiment Merrill's Horse, president, were arraigned and tried:

John E. Waller.

CHARGE: Violation of the laws of war by aiding and assisting in the arrest and imprisonment of a citizen of the United States within the lines of the U. S. forces.

Specification.—In this, that John E. Waller on or about the 23d day of December, 1861, in Boone County, Mo, and within the lines of the U. S. forces did with certain other persons wrongfully and violently arrest, search and imprison one Perry C. Jeffrey, a citizen of the United States and of the State of Missouri, the said Waller then and there not being a member of any regular military organization.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner, John E. Waller, as follows:

Of the specification finds the facts as set forth except the words "wrongfully and violently," and the words "the said Waller then and there not being a member of any regular military organization."

Of the charge, not guilty.

And does therefore acquit him.

Finding and acquittal approved. John E. Waller will be released from arrest upon his taking and subscribing the oath of allegiance and giving bond for his future good conduct and loyalty to the Government.

Owen C. Hickam.

CHARGE: Violation of the laws of war.

Specification 1.—In this, that the said Owen C. Hickam did assault one John Quinn, a citizen of the United States and of the State of Missouri, with intent feloniously to kill and murder said John Quinn. This within the lines of the U. S. forces at Boone County, Mo., on or about the 1st of January, 1862.

Specification 2.—In this, that the said Owen C. Hickam did threaten to kill and murder one James Smallwood, a citizen of the United States and of the State of Missouri, the said Smallwood being engaged in recruiting men to serve in the armies of the United States. This at Boone County, Mo., on or about the 1st day of December, 1861.

Specification 3.—In this, that the said Owen C. Hickam did give clothing and goods to certain persons to be by them appropriated to the use of persons in rebellion against the lawfully constituted government of the United States. This within the lines of the U. S. forces, at Boone County, Mo., about December 9, 1861.

Specification 4.—In this, that he, Owen C. Hickam, for a long time past, viz, for four months, has been threatening the lives of citizens of the United States with intent to further and assist the existing rebellion against the Government of the United States. This within the U. S. lines at Boone County, Mo.

To which charge and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, Owen C. Hickam, guilty as charged and does therefore sentence him to be shot to death at such time and place as the general commanding this department may direct.

Finding and sentence approved. The sentence will be carried into effect at such time and place as may be hereafter designated by the general commanding this department. In the meantime the prisoner will be confined in the military prison at Alton.

Aroswell D. Severance.

CHARGE: Violation of the laws of war.

Specification.—In this, that Aroswell D. Severance did on or about the 23d day of January, 1862, steal and carry away from the possession of one Thomas Throckmorton, a citizen of the United States, one gray stallion being the property of said Throckmorton. This at or near Monticello, Lewis County, Mo.

To which charge and specification the prisoner pleaded not guilty.

The commission finds the prisoner guilty as charged and does therefore sentence him, Aroswell D. Severance, to be shot to death at such time and place as the commanding general of this department may direct.

Finding and sentence approved. The sentence will be mitigated to imprisonment during the war in the military prison at Alton.

IV. At the military commission which convened at Fulton, Mo., pursuant to Special Orders, No. 62, of January 20, 1862, from the headquarters Department of the Missouri, and of which Capt. E. Mayne is president, were arraigned and tried:

Austin Brewner.

CHARGE: Administering intoxicating liquors to soldiers.

Specification.—In this, that Austin Brewner on the 7th day of March, 1862, and on divers days before that time at the county of Callaway, Mo., at a military camp in said county did sell and administer to Rawley Shaw, Black, George F. Greenough, Murray and Kino and divers other persons unknown, being soldiers in the volunteer service of the United States, intoxicating liquors, to wit, whisky and brandy, contrary to martial law then prevailing in the State of Missouri and in violation of the laws of war.

To which charge and specification the prisoner pleaded guilty.

The commission finds the prisoner guilty as charged, and does therefore sentence him, Austin Brewner, to pay a fine of $25 and in default of payment to be imprisoned thirty days.

Finding and sentence approved

Henry Willing.

CHARGE 1: Aiding in the destruction of the North Missouri Railroad.

Specification.—In this, that the said Henry Willing on the night of the 20th of December, 1861, with other parties unknown did unlawfully within the Military District of North Missouri destroy and burn a portion of the ties and rails forming the North Missouri Railroad. This in violation of martial law prevailing in the State of Missouri.

CHARGE 2: Giving aid and comfort to railroad and bridge-burners.

Specification.—In this, that the said Henry Willing did on the night of the 20th of December, 1861, by his presence and advice give aid, comfort and assistance to a party of armed men who on the night of the 20th of December, 1861, did destroy a portion of the North Missouri Railroad. This in violation of martial law then prevailing in the State of Missouri.

CHARGE 3: Accessory before the fact to the destruction of the track and bridges of the North Missouri Railroad.

Specification.—In this, that said Henry Willing at the county of Callaway, State of Missouri, on the 18th day of December, 1861, and at divers days before and after that date did solicit, persuade and induce divers persons whose names are unknown to go to the track of the North Missouri Railroad in Audrain County, Mo., on the 20th day of December, 1861, and then and there to destroy, aid and assist in burning and otherwise destroying the track of said road and the bridges thereon. This in violation of martial law prevailing in the State of Missouri.

CHARGE 4: In giving aid and comfort to the rebellion.

Specification.—In this, that the said Henry Willing in Callaway County, Mo., did on divers days from the 1st of September, 1861, until the 1st of January, 1862, solicit H. W. Riley, Company E, Third Iowa Cavalry, and divers other persons unknown to enlist in the rebel service under General Sterling Price, and did on divers days between the times aforesaid use his unfluence to get persons unknown to engage in the rebel service by making false representations to them in violation of the laws of war.

CHARGE 5: Being a bad and dangerous man.

Specification.—In this, that the said Willing has been a notorious rebel and during the times aforesaid and still is and was engaged in tearing up railroad tracks and burning bridges and making war upon private and peaceable citizens and soliciting men to rebel against their country in violation of the laws of war.

To which charges and specifications the accused pleaded not guilty.

The commission finds the prisoner as follows:

Of the specification to first charge, not guilty.

Of the first charge, guilty.

Of the specification to second charge, guilty.

Of the second charge, guilty.

Of the specification to third charge, guilty.

Of the third charge, guilty.

Of the specification to fourth charge, guilty.

Of the fourth charge, guilty.

Of the specification to fifth charge, guilty, except the words "and was engaged in tearing up railroad tracks and burning bridges and making war upon private and peaceable citizens."

Of the fifth charge, guilty.

And does therefore sentence him, Henry Willing, to be shot to death at such time and place as the major-general of this department may direct.

The commission having acquitted the prisoner of the only specification to the first charge should also have acquitted him of the charge. Sentence confirmed and will be carried into effect at such time and place as may be hereafter designated by the general commanding this department. In the meantime the prisoner will be confined in Alton prison.

James Sisrico.

CHARGE 1: Aiding in the destruction of the North Missouri Railroad.

Specification.—In this, that James Sisrico did on the night of Friday, December 20, 1861, with other parties unknown destroy a portion of the rails and ties of the North Missouri Railroad. This in opposition to martial law then prevailing in the Military District of North Missouri.

CHARGE 2: Aiding and abetting in the destruction of the North Missouri Railroad.

Specification.—In this, that James Sisrico on the evening and night of the 20th of December, 1861, did by his presence aid and encourage a body of armed men who on the night aforesaid did destroy a portion of the North Missouri Railroad. This in opposition to martial law then prevailing in the Military District of North Missouri.

To which charges and specifications the prisoner pleaded not guilty.

The Commission finds the prisoner as follows:

Of the specification to first charge, not proven.

Of the first charge, guilty.

Of the specification to second charge, guilty.

To the second charge, guilty.

And does therefore sentence him, James Sisrico, to be shot to death at such time and place as the commanding general of the department may direct.

Finding approved. The commission having recommended the prisoner to the mercy of the commanding general the sentence will be mitigated to imprisonment during the war in the military prison at Alton.

James P. Snedicor.

CHARGE 1: Aiding in the destruction of the North Missouri Railroad.

Specification.—In this, that on the night of the 20th day of December, 1861, James P. Snedicor with other persons unknown did unlawfully within the Military District of North Missouri burn and destroy certain railroad ties and with crowbars, picks, sledges and axes remove certain rails, which ties and rails formed a part of the common traveled way known as the North Missouri Railroad. This in violation of martial law then prevailing in the Military District of North Missouri.

CHARGE 2: Giving aid and comfort to railroad and railroad bridge-burners and destroyers.

Specification.—In this, that the said James P. Snedicor did on the evening or night of the 20th of December, 1861, meet with other parties unknown and plan the destruction and by his presence aid, assist and afford comfort and assistance to said parties unknown who did burn and destroy certain ties, rails, track and bridges being part of and appertaining to the North Missouri Railroad. This in violation of martial law then prevailing in the said Military District of North Missouri.

CHARGE 3: Accessory before the fact to the destruction of the North Missouri Railroad.

Specification.—In this, that James P. Snedicor at the county of Callaway, State of Missouri, on the 19th day of December, 1861, and after that date did solicit divers persons to go to the track of the North Missouri Railroad in Audrain County, Mo., within the Military District of North Missouri on the 20th of December, 1861, to then and there aid and assist in the destruction of the North Missouri Railroad. This in violation of martial law then prevailing in the said Military District of North Missouri.

To which charges and specifications the prisoner pleaded as follows:

To the first charge and its specification, guilty.

To the second charge and its specification, guilty.
To the third charge and its specification, not guilty.
The commission finds the prisoner as follows:
Of the first charge and its specification, guilty.
Of the second charge and its specification, guilty.
Of the third charge and its specification, not guilty.
And does therefore sentence him, James P. Snedicor, to be shot to death at such time and place as the commanding general of this department may direct.

Finding and sentence approved. The sentence will be carried into effect at such time and place as may be hereafter designated by the general commanding the department. In the meantime the prisoner will be confined in the military prison at Alton.

Samuel Jamerson.

CHARGE: Furnishing supplies to the enemies of the Federal Government and giving them aid and comfort.

Specification 1.—In this, that said Samuel Jamerson at the county of Callaway, State of Missouri, during the months of September, October, November and December, 1861, did make, aid, cause and permit to be made at his house a large quantity of clothing, to wit coats, pants, vests and drawers, made for and given to Pyne, Harris, Jamerson and divers others whose names are unknown who were and are rebels and enemies of the Federal Government and who have been in arms against said Government and who were and are in open rebellion against said Government; and the clothing so made by and at the house of said Jamerson and with his knowledge, advice and consent was intended to be given and was given to said rebels to aid and comfort them in their rebellion against the Government, and the said Jamerson furnished all or part of the cloth and other materials to make said clothing.

Specification 2.—In this, that said Jamerson did aid and assist in taking from the Lunatic Asylum at Fulton, Mo., a large quantity of blankets, to wit 1,000, the property of the State of Missouri, which said blankets after they were so taken from said asylum by the assistance, knowledge and consent of said Samuel Jamerson were by the assistance, advice, knowledge and consent of said Jamerson given to persons unknown and in arms against the Federal Government to aid and assist said rebels in arms against the Government. All this at Callaway County, Mo., during the months of September, October, November and December, 1861.

Specification 3.—In this, that said Samuel Jamerson at the county of Callaway, State of Missouri, during the months of November and December, 1861, did procure, aid and assist in procuring a large quantity of lead, to wit 500 pounds, which said lead was procured and kept by the said Jamerson on his premises for the use of the rebels and persons in open rebellion and in arms against the Federal Government, and the said lead so procured and kept by said Jamerson was by him concealed to keep the Federal authorities from seizing the same and was by the said Jamerson and with his knowledge, advice and consent given to the rebels then in arms against the Federal Government.

Specification 4.—In this, that said Samuel Jamerson at the county of Callaway in the State of Missouri on the ——— day of January, 1862, did permit James P. Snedicor and Joseph Watkins to stop at his house and did keep the horses of said Snedicor and Watkins and did furnish food, beds and shelter to the said Snedicor and Watkins, they being at the time rebels in arms against the Federal Government and having aided and assisted in the destruction of the North Missouri Railroad on the 20th of December, 1861, all of which was known to the said Jamerson; and the said Snedicor and Watkins were at the time they were so fed and sheltered by said Jamerson fleeing from the U. S. authorities to avoid being arrested which fact was well known by the said Jamerson; and while said Jamerson was so sheltering said rebels and outlaws a detachment of the Second Battalion, Third Iowa Cavalry, commanded by Major Caldwell, proceeded to the house of said Jamerson for the purpose of arresting said criminals whereupon the said Jamerson did declare to the said troops that the said criminals were not at his house; whereupon the house of said Jamerson was searched by said troops and the said Snedicor and Watkins were found concealed in the garret of said house, and the arms of said rebels, to wit one carbine, one double-barrelled shotgun and two pistols were found in the house of said Jamerson. All of which was fully known to said Jamerson; and the representations as aforesaid made by said Jamerson were false and were made to mislead the authorities of the Government and to conceal said criminals and aid them in their efforts to avoid an arrest and punishment by the U. S. military authorities.

To which charges and specifications the prisoner pleaded not guilty.
The commission finds the prisoner, Samuel Jamerson, as follows:
Of the first specification, not guilty.
Of the second specification, not guilty.

Of the third specification, not guilty.
Of the fourth specification, guilty.
Of the charge, guilty, except the words "furnishing supplies to the enemies of the Federal Government," and does therefore sentence him to pay a fine of $500 and costs of prosecution and that he be imprisoned until said fine and costs are paid and he takes and subscribes the usual oath of allegiance.

Finding approved; sentence disapproved. The prisoner will be retained in custody until such time as he will take and subscribe the oath of allegiance and give bond in the sum of $2,000 for future good conduct and loyalty to the Government.

Lewis L. Chaney.

CHARGE 1: Aiding in the destruction of the North Missouri Railroad.

Specification.—In this, that the said Lewis L. Chaney on the night of the 20th of December, 1861, did with other parties unknown unlawfully destroy and burn a portion of the North Missouri Railroad. This in violation of martial law prevailing in the State of Missouri.

CHARGE 2: Giving aid and comfort to railroad and bridge burners.

Specification.—In this, that the said Lewis L. Chaney on the evening of Friday, the 20th of December, 1861, did by his presence and advice aid, assist and afford aid and assistance to a party of armed men who on the night of the 20th of December, 1861, burned and destroyed a portion of the ties and rails forming a part of the North Missouri Railroad. This in violation of martial law then prevailing in the State of Missouri.

CHARGE 3: Accessory before the fact to the destruction of the North Missouri Railroad.

Specification 1.—In this, that Lewis L. Chaney at Callaway County, Mo., on the night of the 18th of December, 1861, and on divers days before and after that date did solicit, persuade and induce divers persons whose names are unknown to go to the track of the North Missouri Railroad in Audrain County, Mo., on the 20th day of December, 1861, and then and there to destroy and aid and assist in burning and otherwise destroying the track of said road and the bridges thereon. This in violation of martial law then prevailing in the State of Missouri.

Specification 2.—In this, that the said Lewis L. Chaney at the county of Callaway, Mo., did procure crowbars and other implements to be used in destroying the track of the North Missouri Railroad; and the said crowbars and implements so procured by said Chaney were by him given and delivered to persons whose names are unknown for the purpose and with the view and intention of having said persons use said crowbars and other implements in the destruction of the track of said road and said crowbars and implements were used by said persons to aid in the destruction of said road. This in violation of martial law then prevailing in the State of Missouri.

To which charges and specifications the prisoner pleaded not guilty.

The commission finds the prisoner, Lewis L. Chaney, not guilty of the charges and specifications and does therefore acquit him.

Finding and acquittal approved. Lewis L. Chaney will be released from arrest upon his taking the oath of allegiance and giving bond in $2,000 for future good conduct and loyalty to the Government.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

Trial of Ambrose R. Tompkins, accused of violating the laws of war.

SAINT LOUIS, MO., *Friday, May 9, 1862—10 a. m.*

Further proceedings of a military commission convened at Saint Louis, Mo., pursuant to the following order:

SPECIAL ORDERS, No. 117. } HEADQUARTERS SAINT LOUIS DISTRICT, *Saint Louis, Mo., May 2, 1862.*

* * * * * * *

II. A military commission, to consist of Col. Lewis Merrill, of Merrill's Horse; Maj. S. B. Shaw, of Missouri State Militia, and Lieut. R. A. Howard, Missouri Volun-

unteers, is hereby appointed to meet in Saint Louis on the 5th instant, at 10 a. m., or as soon thereafter as practicable, for the trial of such prisoners as may be brought before it. Lieutenant Howard of said commission will act as judge-advocate and recorder thereof. The commission will sit without regard to hours.

By order of Brigadier-General Schofield:

FRANK J. WHITE,
Assistant Adjutant-General.

Court met pursuant to the above order and adjournment, all the members present, and proceeded to the trial of Ambrose R. Tompkins, who being called into court and having heard the Special Order convening the court read was asked if he had any objection to any of the members named in the Special Order, to which he replied in the negative.

The court was then duly sworn in his presence and Ambrose R. Tompkins was arraigned on the following charge and specifications:

CHARGE: Violation of the laws of war.

Specification 1.—In this, that Ambrose R. Tompkins, a citizen of Boone County, Mo., taking advantage of the unsettled state of the country with other persons unknown and within the lines of the U. S. forces did burn and destroy and did aid in burning and destroying certain bridges, rails, ties and timbers which were necessary to the use of the North Missouri Railroad Company in the transaction of their ordinary and legitimate business. This at or near Sturgeon on or about the 15th day of June, 1861.

Specification 2.—In this, that Ambrose R. Tompkins, a citizen of Boone County, Mo., taking advantage of the unsettled state of the country with other persons unknown and within the lines of the U. S. forces did burn and destroy and did aid in burning and destroying certain bridges, rails, ties and timbers the property of the North Missouri Railroad Company, which said bridges, rails, ties and timbers were neccessary to the use of the said North Missouri Railroad Company in the transaction of their ordinary and legitimate business. This at or near Sturgeon, Boone County, Mo., on or about the 20th day of December, 1861.

To which the prisoner pleaded as follows:

To the first specification of the charge, guilty.

To the second specification of the charge, not guilty.

To the charge, not guilty.

ADAM GOSLING, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your age, place of residence and occupation?

Answer. Am forty-two years old; live in Sturgeon and am a carpenter.

Question. Were you at the Sturgeon bridge in December last when it was burned? If so when was it and under what circumstances was it burned?

Answer. I was there. It was on the night of the 20th of December last. Was taken prisoner by the rebel troops. The men who took me burned down the Sturgeon bridge and then proceeded on to Long Branch bridge and burned that. There were from 300 to 500 of them. They were concerned in this work some four or five hours, burning bridges, tearing up track, &c. They came back through Sturgeon and went about two and one-half miles southwest of Sturgeon where they went into camp. Here they were attacked that morning and during the fight I was released.

Question. Are you acquainted with the prisoner, Ambrose Tompkins? Did you see him at or about the time the Sturgeon bridge was burned; if so when and where and what was he doing?

Answer. Knew the prisoner when they rode up to my house that night and took me prisoner. After they had taken me out of the house Mr. Tompkins rode up to me and shook hands with me. After the guard started with me Mr. Tompkins

rode off after he shook hands. They took me up in the street. Then I met Captain Watson. He asked me where the bridge was. I told him. He said there was no fire there. I said, "No." I told him I had a good fire in the store, and I asked them to let me open the house. We all went in and warmed and got something to drink. Staid in the store I suppose an hour or more. They got me a horse and we went to the bridge. The bridge was then on fire. Staid there about twenty minutes. Went on then to Long Branch bridge. That was on fire too. Captain Watson took me down to the fire to warm. They were breaking up a car and chopping up ties, and fifteen or twenty of them carrying fence rails. After we had returned Captain Watson was standing in the street counting the men as they passed. At about the time the last of them were passing prisoner crossed the railroad and went toward home. The same night the bridges I have spoken of were burned another party went up the railroad and destroyed culverts and cut down poles. When we returned about 4 o'clock in the morning we met several men, probably fifteen or twenty, standing around on the street who looked as though they were waiting for us.

By the PRISONER:

Question. Which party did Mr. Tompkins go with—the party who went east of Sturgeon or the party who went west?

Answer. I cannot say.

Question. Can you state of your own knowledge that Mr. Tompkins had anything to do with burning the bridges or tearing up the culverts?

Answer. I did not see him do any act.

Question. Where were the men going with whom you saw Mr. Tompkins? Do you know whether they were starting to Price's army?

Answer. They were going to destroy the railroad. They had started some months before to go to Price but could not get across the river so I have understood.

By A MEMBER OF THE COURT:

Question. What party was Mr. Tompkins associating with and appearing to belong to at the bridge-burning? Did he seem to belong to the bridge-burners or was he their prisoner?

Answer. He was with the party who came there to destroy the road—one of them.

W. R. SCHOOLER, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. Reside in Sturgeon.

Question. Are you acquainted with prisoner?

Answer. I am.

Question. Were you present at the burning of the Sturgeon bridge in December last? When was it?

Answer. I was; it was on the night of December 20.

Question. Did you see the prisoner at or about that time?

Answer. I did not.

JACOB CROSSWHITE, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. Where do you reside?

Answer. Reside in Sturgeon.

Question. Were you present at the burning of Sturgeon bridge in December last? If so when was it?

Answer. I was there; it was on the night of December 20.

Answer. Are you acquainted with the prisoner?

Answer. Have known him a good while.

Question. Did you see him at or about the time the Sturgeon bridge was burned? If so when and where?

Answer. At the time the bridges were burning I never saw him. I was carried down a prisoner to the two bridges that were burned. When we returned to Sturgeon in the morning, about 2 or 3 o'clock at night I should guess, did not see him at either bridge. There were probably three or four of them together.

Prosecution rests.

The prisoner introduced the commission of Captain Hicks in the words and figures following, viz:

The State of Missouri to all who shall see these presents, greeting:

Know ye that I, C. F. Jackson, commander-in-chief of the Missouri State Guard, reposing the utmost confidence in the fidelity, patriotism and valor of Absalom Hicks and it having been duly certified to me that he has been legally elected captain of the Sturgeon Invincibles of the Third Military District:

Now, therefore, in the name and on the behalf of the State of Missouri, I, C. F. Jackson, commander-in-chief thereof, do hereby commission him captain of said company, and do authorize and empower him to discharge the duties of said office according to law.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be hereunto affixed.

Done at the city of Jefferson, this 24th day of May, in the year of our Lord 1861, of the independence of the United States the eighty-fifth, and of the State of Missouri the forty-first.

By the commander-in-chief:

[SEAL.] C. F. JACKSON.

B. F. MASSEY,
Secretary of State.

The prisoner then introduced his commission as third lieutenant in the words and figures following, viz:

The State of Missouri to all who shall see these presents, greeting:

Know ye that I, C. F. Jackson, commander-in-chief of the Missouri State Guard, reposing the utmost confidence in the fidelity, patriotism and valor of A. R. Tompkins and it having been duly certified to me that he has been legally elected third lieutenant of the Sturgeon Invincibles of the Third Military District:

Now, therefore, in the name and on behalf of the State of Missouri, I, C. F. Jackson, commander-in-chief thereof, do hereby commission him third lieutenant of said company, and do authorize and empower him to discharge the duties of said office according to law.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be hereunto affixed.

Done at the city of Jefferson, this 24th day of May, in the year of our Lord 1861, of the independence of the United States the eighty-fifth, and of the State of Missouri the forty-first.

By the commander-in-chief.

[SEAL.] C. F. JACKSON.

B. F. MASSEY,
Secretary of State.

The prisoner then introduced order from adjutant-general Missouri State Guard in the words and figures following, viz:

HEADQUARTERS MISSOURI STATE GUARD,
Jefferson City, Mo., June 13, 1861.

Capt. A. HICKS.

CAPTAIN: I am instructed by the major-general commanding to direct that you immediately destroy the railroad bridge at Sturgeon or any other in the vicinity. After completing this duty you will repair with your company to Boonville and report to the commanding officer at that place.

I am, captain, respectfully, your obedient servant,

HENRY LITTLE,
Assistant Adjutant-General.

Capt. ABSALOM HICKS, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. Do you know the prisoner and was he a member of the military company commanded by you?

Answer. I know him; was a member of military company commanded by me.

Question. Did you order him as his superior officer to burn the Sturgeon bridge on the 15th of June, 1861?

Answer. I did, sir.

Question. After you had resigned in December last and returned home did the prisoner ever state to you why he was about to return to Price's army? If so state the reason that he gave.

Answer. Yes; he came to my house to know how to get a discharge. He stated his object in going out was to settle up his business, get what was due him for the time he had served, resign and come home.

Question. How long after that was it before he left for Price's army if he left at all?

Answer. I cannot say.

The prisoner then submitted the following statement:

I became a member of the Sturgeon Invincibles in the spring of 1861 and was commissioned a lieutenant in May, 1861. The time of my enlistment was six months. After battle of Lexington I left the army on furlough on account of sickness and came home near Sturgeon, Mo. Before this time, however, on the 15th of June, 1861, under orders from Captain Hicks, the captain of my company, I assisted in burning the Sturgeon bridge. I believed it to be my duty as a member of the Missouri State Guard. It was not my feelings to do so. I disliked to do so but my obligations I conceived compelled me to do so. Somewhere in December, after Captain Hicks came home, having been informed that I could not resign my place in the army unless I was with the army because my resignation could not be delivered unless carried by myself I started for Price's army then on the Osage for the express purpose to resign my commission and return home. There were about thirty men who had been made up by a man of the name of Stewart who were going to join Price's army, and I started with them. These men (with myself in company with them) were stopped by a man from Price's army at a place called Everett near Rocheport, the man saying that there would be a good many going in a day or two; that they had better wait and all go together. I thought it best for me to wait and go with them though I had no connection whatever with them. I went back home about twenty miles distant, until I was informed by some of the company that they were going to start for Price's army several days afterward, and that the place of meeting was Perche bridge, on the road from Sturgeon to Rocheport. When I got there I supposed that we were starting for Price's army. I had no other idea; but that they went a different road, however, from the course. They went to Sturgeon. I went with them to Sturgeon and there I stopped. I had nothing whatever to do with burning the bridges or tearing up the culverts or doing any damage to the railroad. I was opposed to it and had nothing to do with it. I had the misfortune to be with the men who did do it, I trying to return to Price's army for the purpose of resigning and returning home. That is my only offense. As regards the charges and specifications against me, so help me God, I speak the truth. The next morning after the bridges were burnt I went to find the company supposing that they would now go to Price's army. I found nine or ten of the company at Widow Baker's having Mr. Schooler as a prisoner. They informed me that they had had a fight and that the men were all scattered. That was the first I knew of the fight. The men failed to go to Price and I went home, and have been about home pretty much since endeavoring to avoid arrest. I have never engaged in bushwhacking nor have I ever shot a gun at a man in my life. I have always aimed to be a law-abiding man and always have endeavored to do my duty as a citizen, and I now declare solemnly that I am entirely guiltless of the charges and specifications against me, except that on the 15th day of June, 1861, under orders of my superior officers I assisted to destroy Sturgeon bridge. I have a wife and two little ones at home who need my presence and protection, and if permitted I shall devote my life hereafter to the quiet pursuits of a good citizen.

A. R. TOMPKINS.

Whereupon the court having been cleared after mature deliberation find the prisoner, Ambrose R. Tompkins, as follows:

Of the first specification, guilty.

Of the second specification, guilty.

Of the charge, guilty.

And does therefore sentence him, the said Ambrose R. Tompkins, to be shot to death at such time and place as the commanding general may direct.

LEWIS MERRILL,
Colonel and President Military Commission.
ROBERT A. HOWARD,
Judge-Advocate and Recorder Military Commission.

SAINT LOUIS, MO., *May 10, 1862—10 a. m.*

The commission being in session with doors closed, all the members present, then proceeded to reconsider the proceedings in the case of Ambrose R. Tompkins.

The commission finds that through oversight certain words were retained in the specifications which should have been omitted.

The commission takes judicial notice of the fact that the acts alleged in the first specification were not committed within the lines of the U. S. forces and the court does therefore reconsider its finding on the first specification and finds as follows:

Of the first specification, guilty, except the words "taking advantage of the unsettled state of the country" and the words "within the lines of the U. S. forces."

And the court reaffirm the finding on the second specification and on the charge and also reaffirm the sentence.

LEWIS MERRILL,
Colonel and President Military Commission.
ROBERT A. HOWARD,
Lieutenant and Judge-Advocate Military Commission.

Finding and sentence approved, but recommended that the sentence be mitigated to imprisonment during the war.

J. M. SCHOFIELD,
Brigadier-General, Commanding Saint Louis District.

Finding and sentence confirmed. On the recommendation of Brigadier-General Schofield the sentence will be mitigated to imprisonment during the war in the military prison at Alton, Ill.

H. W. HALLECK,
Major-General.

Trial of J. H. Norris, accused of violating the laws of war.

THURSDAY, *May 15, 1862—10 a. m.*

Court met pursuant to above order and adjournment, all the members present, and proceeded to the trial of J. H. Norris, who being called into court and having heard the order* read was asked if he had any objection to any of the members named in the above order, to which he replied in the negative.

* Special Orders, No. 117, p. 483, convening and making detail for the commission.

The court and judge-advocate were then duly sworn and J. H. Norris was arraigned on the following charge and specification:

CHARGE: Violation of the laws of war.

Specification.—In this, that J. H. Norris, a citizen of Missouri, taking advantage of the unsettled state of the country with others unknown and within the lines of the United States did burn and destroy and did aid in burning and destroying one building the property of the North Missouri Railroad Company, which building was necessary to the use of said company in the transaction of their ordinary and legitimate business. This at or near Wellsville, Mo., on or about the 21st of December, 1861.

To which the prisoner pleaded as follows:
To the specification, not guilty.
To the charge, not guilty.

Capt. BENJAMIN SHARP, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your place of residence and your occupation?

Answer. Have been living at Wellsville, Mo.; was railroad and express agent until I joined army. Am now captain in the Ninth Regiment Missouri State Militia.

Question. Were you at Wellsville at the time the Wellsville depot was destroyed? If so state when it was and the circumstances attending it.

Answer. It was on the night of the 20th of December last. I was in the depot at the time it was set on fire. Some 60 or 100 men came there. Some of them came in and told me to remove my private property if I had any—that they were going to burn it. They had been in Campinsky's store before they came to depot. I removed part of my private property. Some of it (bed clothing) they took. They then fired the building, about 1.30 o'clock at night. Some bedclothes and some money I had were taken away. The crowd remained there until about 4 o'clock in the morning.

Question. State whether you saw the prisoner J. H. Norris at or about the time of this occurrence. If so state where he was and what he was engaged in.

Answer. I saw prisoner after depot was on fire. He was on horseback. He had a gun. There was some firing done about where he was. I don't know whether he fired his piece or not. The firing was not at any one. Guns fired up I think. My attention was called to him particularly from the fact of his giving us a song. They had a barrel of whisky in the street with the head knocked in. They had taken the whisky out of the depot. They were pretty drunk. Prisoner was with the crowd burning depot and committing depredations. This same crowd took goods from Campinsky's store; also blankets and things from the hotel. Meyers I think was in command.

By the PRISONER:

Question. How long have you known the prisoner?

Answer. About four years.

Question. Do you know W. H. Norris?

Answer. I know several people by the name of Norris up there but do not know them by name.

Question. Where does the prisoner reside with reference to the Wellsville depot?

Answer. I think he lives six or seven miles in Callaway County, toward Fulton. I do not know, however, whether he is keeping house or not.

Question. At what hour in the night did you see the man you took to be the prisoner; was it dark or light at the time?

Answer. It must have been between 2 and 3 o'clock. It was very light at the time I saw him. It was the light of the burning building by which I saw him.

Question. At what distance were you from the man you supposed to be the prisoner at the time you say you saw him?

Answer. I suppose about twenty or thirty feet.

Question. Did you see him more than once, and what was he doing when you last saw him?

Answer. I saw him for some time. When I last saw him he was marching away with the balance of the crowd. I was standing in full view of him for fifteen or twenty minutes.

Question. How frequently have you seen the prisoner in the last three or four years?

Answer. Very frequently except in the last year. Part of the time we have lived in the same town.

Question. Might you not have mistaken in the night another party closely resembling the prisoner for the prisoner?

Answer. No, sir; I know his voice as well as his countenance.

Question. Did you identify the prisoner alone by his countenance and voice?

Answer. By that and his person generally. I know of nothing else to identify a man by.

JOHN H. REED, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. Where do you reside? What is your occupation?

Answer. Reside in Wellsville, Mo.; clerk in dry-goods store.

Question. Are you acquainted with him [the prisoner]? How long have you known him?

Answer. Am acquainted with him slightly. Have known him probably five or six months. Never had much acquaintance with him.

Question. Were you in Wellsville at the time the Wellsville railroad depot was burned? If so state when it was and under what circumstances.

Answer. It was on or about 20th of December. I was sleeping in store and heard considerable noise in the street. Thought at first it was soldiers, and I would not get up it being late. After awhile I discovered light. I raised up in bed and heard cracking and snapping of flames. I went out. The depot was in flames. There was a large body of men, some on horseback some on foot. There might have been forty or fifty, probably more, standing around depot, some hallooing, some singing songs, &c. I saw one car rolled down behind the flames, so that it might burn.

Question. Did you see prisoner at or about the time of the burning of the depot? If so where and what was he doing?

Answer. I saw prisoner standing in the crowd. He was either standing or on horseback; think on foot.

By the PRISONER:

Question. How many times have you seen the prisoner?

Answer. Probably have seen him twenty-five or thirty times—fifteen or twenty times.

Question. Have you at any time, and when, transacted business with him or held communication with him?

Answer. I don't recollect of ever transacting business with him. Have had some conversation with him.

Question. Might you not have mistaken another party closely resembling the prisoner for the prisoner himself?

Answer. I think not, sir.

Question. At what distance were you from the prisoner when you say you saw him; and at what hour in the night was it? Was there any other light but that of the burning depot?

Answer. I was about ten steps. Judge it to be about 12 or 1 o'clock. There was no other light but that of the burning depot and cars.

Question. How nearly consumed was the depot at the time?

Answer. It was just in a good blaze, bursting out through the walls and roof.

Question. How far was the prisoner from it?

Answer. Fifteen or twenty steps, probably.

Question. Can't you on reflection state whether he was on foot or horseback?

Answer. I am not certain but rather think he was on foot.

Question. How long was he under your observation?

Answer. Probably five or ten minutes.

Question. What became of him?

Answer. They all left after the depot was burned down. Don't know where they went to.

Question. Did you notice the prisoner particularly any more than the other men?

Answer. I looked to see who I could see I knew. I was asked the question who was there I knew. I said I knew certainly two men. Was asked who; said Bill Meyers and prisoner Norris. He said, "[You] are correct."

Question. Do you know William H. Norris?

Answer. Don't think I do. Know several of the name of Norris. Don't know their given names.

Prosecution rests.

GARLAND NORRIS, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. Do you know J. H. Norris and William Norris?

Answer. Yes, sir.

Question. Do they resemble each other in general appearance?

Answer. I reckon they do a little. They both have black hair and are about the same size and both my nephews.

Question. How long have you known the prisoner and what has been his general reputation as a law-abiding citizen, if you know that reputation?

Answer. I have known him ever since he was a little boy. He is a mighty good-hearted fellow but will drink a little too much. I never knew anything against him in any form or shape until now.

Capt. BENJAMIN SHARP, a witness for the defense, being recalled testified as follows:

By the PRISONER:

Question. What has been the general reputation of the prisoner as a law-abiding citizen during the period you have known him?

Answer. Prior to this rebellion he has been a peaceable citizen. Since then I know nothing except what I have given testimony about above. For the last year I have seen little of him.

Whereupon at 4 p. m. the court adjourned until to-morrow at 10 a. m.

LEWIS MERRILL,
Colonel and President Military Commission.
ROBERT A. HOWARD,
Judge-Advocate and Recorder Military Commission.

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FRIDAY, *May 16, 1862.*

Court met pursuant to adjournment, all the members present, and proceeded with the trial of J. H. Norris.

JAMES HOWARD, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. State your name and place of residence.

Answer. James Howard; live in Callaway County.

Question. Do you know the prisoner? And if so how long have you known him?

Answer. I have known him some five or six months.

Question. Were you at Wellsville the night of the 20th of December last? If so state fully what was your business there and who you were with. State all the facts fully.

Answer. I was there. I was with a company of our men. Captain Meyers was captain of our company. The company was organized in Lane's [Laile's] pasture. On the night of December 20 company went to Montgomery City and above Montgomery City commenced tearing up track. We marched to Wellsville tearing up track, &c. I did not assist; was standing guard. I was forced into the matter by the officers of the company. Got to Wellsville at about midnight. Cut the flagpole; tore the flag. We then unlocked a store and loaded a wagon with goods. The captain told me to take charge of goods as guard and started wagon out of Wellsville. Got off some 100 yards. Looked back and saw depot in flames. We were in Wellsville some three hours before depot [was burned].

Question. Did you see the prisoner that night? If you say that you did not, state whether he could have been with your party that night without your knowing it?

Answer. I did not see him. Think he could not have been with our party without my knowing it.

Question. Had you any knowledge of his being with your company in Wellsville that night?

Answer. I have not.

Question. Was William H. Norris at the depot-burning you have mentioned? If so state whether he resembles in his personnel the prisoner.

Answer. William H. Norris was there; resembles prisoner right smartly.

Question. Was it your business to stand guard that night and be on the lookout? Did you do anything else?

Answer. Did nothing else but stand guard that night.

By the JUDGE-ADVOCATE:

Question. Were there any other persons at Wellsville that night besides the company to which you belonged? If so who were they?

Answer. I didn't see anybody else there but citizens. Don't know who they were but must have been citizens because they were there.

Question. Where was your post while on guard?

Answer. It was right in front of the store.

Question. How far is store from depot and in what direction?

Answer. It is about 100 yards south I think.

By A MEMBER OF THE COURT:

Question. If your station as guard was right in front of the store as you say why did you go 100 yards out of town?

Answer. That was after the goods were taken.

Question. If you were directed by the captain to guard the goods taken and did nothing else as you say how happened it that you went back to the town when the depot was burning?

Answer. I did not go back.

Question. Was your company mounted or on foot and how many were there?

Answer. Some on horses some on foot. There were between 50 and 100.

The prisoner submits to the court the following statement:

I, J. H. Norris, of Callaway County, and now on trial before a military commission at Saint Louis on oath depose and say that during the night of the 20th of December last I was at home in Callaway County with my family. The night was cold and I stayed with my two children, one of the age of five and the other seven years. I was called up to go with Meyers' company but got excused on account of my family. My wife is dead. I had nothing whatever to do with the burning of the Wellsville depot or any of the depredations committed there on the night of the 20th of December last upon the railroad or elsewhere. I avow my loyalty and am ready to take the oath of allegiance to the United States and would be glad to go home and take care of my family and lead a peaceable life and be a good citizen. I submit the accompanying statement by way of comment on the testimony in the case.

The prisoner submits to the court the following points:

First. The testimony of Captain Sharp shows the crowd at the depot at 1.30 o'clock but the building was not fired for an hour or more. In the meantime the prisoner was not seen there; not claimed to be seen until after the depot was in full blaze. The fact that he was there after the depot was fired is not evidence that he was there before or that he had any hand in destroying the property. It may raise the suspicion that he was there at the firing of the building but it is not evidence on which to find a party guilty of a high crime. The only evidence against the prisoner is that which tends to show his presence after the offense charged against him was committed.

Second. But the witnesses are mistaken as to his presence at all. In the darkness and excitement his cousin William Norris was mistaken for the prisoner. Reed gave so little attention to the matter that he cannot say whether the party he took for the prisoner was on foot or horseback. His acquaintance with the prisoner was very slight and his testimony should be wholly disregarded.

Sharp is equally mistaken. He had his own affairs to look after and was doubtless under high excitement and liable to the same mistake as Reed.

Third. Howard certainly knows whether the prisoner was with the party that night and swears that he was not.

Fourth. All the testimony taken together fails to sustain the specific charges made against the prisoner. The matter at least is open to reasonable doubt and this should save the accused.

Fifth. The previous good character of the defendant should be weighed in his behalf.

Sixth. The circumstances of the country require no forced convictions. These men in humble life, the victims of influential and wicked men, should be judged in much mercy. Hang the leaders but be liberal with their deluded followers.

Seventh. The prisoner has already suffered four months of imprisonment, is poor and has a dependent family. His punishment already suffered is equal to any offense the evidence at all tends to fix upon him.

Eighth. There is no danger of further trouble from him. He thinks he could give a bond for good behavior but is probably too poor to do so.

He abjures secession and is ready to swear allegiance to the United States.

The court having been then cleared after mature deliberation find the prisoner as follows:

Of the specification, guilty.

Of the charge, guilty.

And do therefore sentence him, the said J. H. Norris, to be shot to death at such time and place as the commanding general of the department may direct.

LEWIS MERRILL,
Colonel and President Military Commission.
ROBERT A. HOWARD,
Recorder Military Commission.

Finding and sentence approved.

J. M. SCHOFIELD,
Brigadier-General, Commanding Saint Louis District.

Finding and sentence confirmed. The sentence will be carried into effect at such time and place as may be hereafter designated by the general commanding the department. In the meantime the prisoner will be confined in the military prison at Alton, Ill.

H. W. HALLECK,
Major-General.

Trial of Joseph P. Hussey, accused of violating oath of allegiance.

SATURDAY, *May 17, 1862—10 a. m.*

Court met pursuant to adjournment, all the members present, and proceeded to the trial of Joseph P. Hussey, who being called into court and having heard the Special Order* read was asked if he had any objections to being tried by any of the members named in the above order, to which he replied in the negative. The court and judge-

* Special Orders, No. 117, p. 483, convening and making detail for the commission.

advocate were then duly sworn, and Joseph P. Hussey was arraigned on the following charge and specifications:

CHARGE: Violation of oath of allegiance.

Specification.—In this, that Joseph P. Hussey having on the 21st day of October, 1861, solemnly taken in the city of Saint Louis an oath of allegiance to the Government of the United States in the words following, to wit:

"OFFICE PROVOST-MARSHAL,
"*Saint Louis, Mo., October 21, 1861.*

"UNITED STATES OF AMERICA, STATE OF MISSOURI,
"*City and County of Saint Louis, ss.:*

"Joseph P. Hussey being duly sworn deposes and says that he resides at No. 154 North Third street, Saint Louis, and carries on business as barkeeper; that he always has been now is and will ever continue to be a true and loyal citizen of the United States, well affected toward the Constitution, laws and Government thereof; that he will ever support the same and bear true allegiance thereto; that he recognizes, will maintain and defend the authority and sovereignty of the Government of the United States of America as paramount and superior to any and all allegiance, sovereignty or fealty which he may owe to the government of any State, county or country whatsoever; that he will not directly or indirectly in any manner or form whatsoever afford aid, comfort or information to the enemies of the United States or any of them; that he will at all times support, protect and defend the Constitution of the United States against all enemies or opposers whatsoever to the best of his ability; that he will at all times without delay communicate to the provost-marshal of the city and county of Saint Louis or to the officer commanding the nearest post of the U. S. Army any and all information which may come to his knowledge respecting the plans, projects, position and strength of the enemy, or of any person or persons rebelling or plotting against the Government of the United States, and will do all in his power to have such persons secured and placed in confinement and their plans defeated; that he will hereafter in all respects conduct himself in a sober, quiet, orderly and decent manner toward all persons whatsoever, and in no way offend against the laws or regulations, military or civil, of the United States, or of this State, or of the city of Saint Louis. And he further says that he makes this affidavit in good faith and without any concealment, evasion or mental reservation whatsoever, but with a full intent to keep and observe the same according to the true and obvious purport thereof, and that if he violates or evades the same in any of its provisions he hereby declares himself worthy the penalty prescribed by the Articles of War and the laws of the United States for rebels and traitors.

"JOSEPH P. HUSSEY.

"Subscribed and sworn to before me this 21st day of October, A. D. 1861.
"WM. R. McCRACKEN,
"*Notary Public.*"

Did afterward and in violation of the same give aid and comfort to the enemy, and did not do all in his power as a citizen to discourage opposition to the Government of the United States, but on the contrary did at divers places and times and particularly on or about the 17th day of May, 1862, in the city of Saint Louis violently abuse said Government and encourage opposition to the same by violent and inflammatory language in words as follows: "I am a secessionist, by God, and don't deny it; wait till the martial law is over and the Union men will find out what's the matter; they will be attacked behind their backs at midnight and their throats will be cut. Wait till martial law is over and we will travel for you Union men, and step up behind you and cut your throats. I am a secessionist, and although I have taken an oath to support the Constitution of the United States I do not care a damn for it."

To which the prisoner pleaded as follows:
To the specification, not guilty.
To the charge, not guilty.

WILLIAM R. McCRACKEN, a witness for the prosecution, being duly sworn testifies as follows:

By the JUDGE-ADVOCATE:

Question. What is your place of residence and occupation?

Answer. Reside in Saint Louis; am secretary of provost-marshal city of Saint Louis; am also a notary public.

Question. Examine the paper now handed to you and state whether the oath therein contained was duly taken and subscribed before you, and whether the signature to the jurat is yours and the seal your official seal?

Answer. This oath was sworn to me by the prisoner on the day therein stated. That is my signature and official seal.

(Oath referred to was here given in evidence by the prosecution and is hereto attached.)

By the PRISONER:

Question. Did you read the oath to Hussey before he signed it or did he read it before signing?

Answer. My impression is he read it.

Question. Are you certain he read it?

Answer. I cannot recollect positively. It is a rule with me to inquire from every one to whom I administer these oaths whether they know what they are signing, and whether they are doing it voluntarily. My impression is Mr. Hussey read the oath and took it voluntarily.

Question. Was it not very common in the provost-marshal's office at that time owing to the press of business to administer oaths which they had signed without reading?

Answer. It was not my custom.

CALEB BUSY, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your age, place of residence and occupation?

Answer. Am twenty-three years old; live in Saint Louis; am in fish business.

Question. Are you acquainted with the prisoner, Joseph P. Hussey?

Answer. Yes, sir.

Question. State whether lately you have had or heard any conversation with the prisoner about the present state of the country; if so when, where and what was it?

Answer. About a week or ten days ago I heard prisoner arguing with a man about politics. The other man said Floyd and all the other secessionists were thieves and traitors. Prisoner said, "I'm a secessionist and I'm not a thief and a traitor." He said after martial law was over they'd be going around and doing this (drawing his hand across his throat.) This was in the fish market corner of Third and Green streets, Saint Louis. M. B. Curtis, A. McCurdy and another man; do not know his name.

By the PRISONER:

Question. Were they, Hussey and McCurdy, bitter enemies at that time?

Answer. I believe they are; McCurdy never goes into his house.

Question. Who commenced the argument that you speak of?

Answer. I could not positively tell. Think McCurdy commenced it.

Question. Have you not heard McCurdy threaten to have Hussey punished by the military authorities for private injuries done him by Hussey?

Answer. I never heard him so threaten him.

Question. Was it not McCurdy with whom Hussey was arguing?

Answer. It was.

Question. Was not the whole of Hussey's language simply replies to McCurdy who was trying to provoke Hussey?

Answer. I don't know.

Question. Have you ever known Hussey to comfort, aid or assist the enemies of the General Government since the 21st of October last?

(President objects on the ground that the answer to the question would be conclusion of law. Objection sustained.)

Question. Was not Hussey at that time simply quarreling with McCurdy, and were you not at the time satisfied that he was trying to provoke McCurdy?

Answer. They were not quarreling. Don't think he was trying to provoke McCurdy.

Question. What did you think then—not what you think now.

Answer. They were always enemies, often talking about politics, one taking one side and the other the other side.

ALONZO MCCURDY, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your age, place of residence and occupation?

Answer. Am fifty-two years old; live in Saint Louis; am engaged in selling game.

Question. Are you acquainted with the prisoner?

Answer. Yes, sir.

Question. State whether at any time you have had or heard conversation with prisoner about present state of the country; if so when, where and what was it?

Answer. I have heard him talk frequently about it. He has generally been rather rabid on the secesh principle.

Question. State whether you heard any conversation upon this subject held with the prisoner on or about the 7th of May last; if so where and what was it?

Answer. I did; in the fish market on Green street. He said, "Just wait till martial law was raised; we will travel nights, and we will slip behind you Union men and the first thing you know you will get this." He had a knife in his hand when he spoke and drew across his throat. He said, "You made me take the oath." I told him I did and did not deny it. He said he didn't care a damn for the oath. He then said he thought he had got even with me; that he had made me take the oath. I offered to bet him $10 I hadn't taken it. He then wanted to know what I had come down to the provost-marshal's office with a couple of detectives for. I told him that was further along.

By the PRISONER:

Question. Have you stated all the conversation you had with him at that time and told all we said on this subject?

Answer. All on the subject of the oath. Not all of the conversation. I told him I thought all the secessionists in the country were thieves and traitors. He asked me if he had ever stolen anything from me; I told him no. "Well," he said, "I am a secessionist." I told him then: "Then you are no better than a thief."

Question. Did you ever have any conversation with Valentine Gerber about a man you intended to have punished by the military authorities?

Answer. Not that I recollect of.

Question. Do you know Valentine Gerber?

Answer. Yes, sir.

Question. Did you not tell Valentine Gerber some three months ago that you intended to cause a man who had wronged you to be punished by the military authorities; that you were not able to whip him yourself; that you would get even with him that way?

Answer. I don't recollect any such conversation.

Question. Did you have any conversation of that kind with Gerber? If so where was it and when?

Answer. I don't recollect ever having any of that kind of conversation with him.

Question. If you had told Gerber anything of the kind would you not remember it?

Answer. I think I would. I haven't talked to him much on account of thinking he was secesh, too.

Question. Will you say positively that you did not in front of Val. Gerber's place of business on Broadway about three months ago in a conversation on the state of affairs in the country tell him that you had an enemy that you could not punish yourself and that you would have him punished by the military authorities?

Answer. I never told him any such thing in my life that I recollect of.

MATTHEW B. CURTIS, a witness for the prosecution, being duly sworn testified as follows:

By the JUDGE-ADVOCATE:

Question. What is your place of residence and occupation?

Answer. Reside in Saint Louis; keep a store in the fish market.

Question. Are you acquainted with the prisoner?

Answer. Yes, sir.

Question. State whether in the early part of the present month you heard any conversation held with the prisoner about the present state of affairs in the country. If so where, when and what was it?

Answer. I did; in the fish market some time in the early part of this month. Hussey, the prisoner, came over and commenced talking with my partner about the Dutch. My partner is a Dutchman. Somehow McCurdy got in the conversation and my partner left. Mr. McCurdy told Mr. Hussey that he had him arrested and made him take the oath. Mr. Hussey told McCurdy that he had him arrested and made him take the oath. McCurdy said he had $10 to bet that he had not taken the oath. Hussey said, "When this martial law is over you Union men will have to leave the city. We will slip up behind you and cut your throats," or words to that effect. Hussey said the oath was forced upon him and he did not care for it if he did have to take it.

By the PRISONER:

Question. Did Hussey say that he would slip up and cut the throats of any of the Union men?

Answer. I think he said "we."

Question. Did he not say the secesh would do so?

Answer. He might have said so. He might have said the secessionists, or he might have said they.

Question. Did not Hussey say that he did not care a damn for having had to take the oath?

Answer. I don't recollect the form of speech; the amount of it was he did not care for having taken the oath.

Question. Do you know anything of the relations existing between McCurdy and Hussey? If so state whether or not McCurdy bears any malice or ill-will toward Hussey.

Answer. I know there is bad feeling.

Question. Do you know of any violent or inflammatory language or conduct on the part of Hussey since the 21st of October last except that of which you have already spoken?

Answer. I never heard of anything else.

Question. Have you not seen Hussey often since that time; if so what has been his general conduct and behavior?

Answer. I have never seen him behave with any impropriety. I see him every day.

By a MEMBER OF THE COURT:

Question. Can you state positively whether the prisoner, Hussey, said he was a secessionist and did not care a damn for the oath at the time you heard the conversation spoken of?

Answer. I don't remember the form of speech. I recollect he said he was a secessionist.

Question. Did he say in so many words that he did not care for the oath or placed no value upon it?

Answer. That was the way I understood it.

By the PRISONER:

Question. Was not this the purport of the language which he used—that he did not care a damn for having been compelled to take the oath?

Answer. It might have been. It was said in answer to something McCurdy said; I can't recollect exactly what was said.

Prosecution rests.

FRANKLIN WESTIN, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. Where do you reside and what is your business?

Answer. Reside in Saint Louis; am marketmaster, North Market.

Question. Do you know Hussey? If so state how long and his general charactor and reputation if you know it for good conduct and orderly behavior.

Answer. Have known him about a year. So far as I know his character is good. Is sometimes addicted to drinking. Have seen him intoxicated. Nothing vicious about him. Have heard him speak of the questions of the day. Never heard him say anything deprecating the Government though I have of individuals.

Question. In what esteem and repute is he held by the community in which he resides and does business?

Answer. I believe he has the good feeling of the community around where he lives. They esteem him as a man but deprecate his faults at drinking.

Question. Do you know what McCurdy's feelings toward Hussey are?

Answer. They are anything but friendly.

CHARLES CUTLER, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. What is your business and where do you reside?

Answer. Am a butcher; reside in Saint Louis.

Question. How long have you known Hussey?

Answer. About seven or eight years.

Question. What is his general reputation for good conduct?

Answer. I consider it good.

Question. Do you know whether or not McCurdy bears malice and ill-feeling toward Hussey?

Answer. I do not.

VALENTINE GERBER, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. What is your business and where do you reside and do business?

Answer. Am a fruit dealer; live on Broadway, Saint Louis.

Question. Have you had any conversation with McCurdy on the state of the Union? If so state when and where and the particulars of that conversation.

Answer. About three months ago we had some conversation on Broadway. He said he had some dispute with some man, and informed on him and had him arrested and put in military prison. I said, "Mac, if he found it out would he not get mad at you." He said he would not know who did it.

Question. Did he say to you that he could not whip him himself and that he would have the man punished by the military authorities?

Answer. I couldn't say exactly. He said they came pretty near to blows.

Question. Did he use any language of the kind used in the last question? If so state what it was.

Answer. He didn't say he couldn't whip him. He said he did not want to fight him. He said he had informed on him and got him confined in military prison.

JAMES NELSON, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. Do you know the defendant? If so state what is his general character and the repute in which he is held by those among whom he resides and does business.

Answer. I have known him about a year. Never heard anything against his character. Always understood to be good.

JOSEPH LIPPERICK, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. What is your business and where do you reside?

Answer. Am in clothing business on Fourth street, Saint Louis.

Question. Do you know of Hussey having aided and assisted in raising a company of soldiers for the Federal service?

Answer. Yes, sir.

Question. When and where was it and what became of the company?

Answer. It was in Saint Louis less than a year ago. I do not know what became of it.

Question. Were not the men for Birge's sharpshooters and was it not late last fall?

Answer. I think it was.

Question. What has been the general conduct and behavior of Hussey for the last six or seven months?

Answer. I never heard anything he did wrong unless that he was arrested for being a secessionist. One day in Hussey's house when I was there a man came in and God damned the Dutch calling them hard names, and God damned the Union. Hussey came around from behind the counter and told him that he must stop that; that was a Union house; he was a Union man and I was a Union man, and he would not hear any such talk in the house.

G. F. HAYNE, a witness for the defense, being duly sworn testified as follows:

By the PRISONER:

Question. Do you know the general character and reputation of Hussey? If so what is it—good or bad?

Answer. I know his character. It is good.

M. B. CURTIS, a witness for the defense, being recalled testified as follows:

By the PRISONER:

Question. How long have you known Hussey and what is his general character and reputation for good conduct and orderly behavior?

Answer. Have known him seven or eight years. His general character has been good.

Defense rests.

The prisoner than made the following statement:

I have been doing business where I am at present for the last three years. McCurdy and I never could agree. Frequently had sharp words together which was the cause of my arrest. I did not intend and never did intend to violate the oath of allegiance which I have taken to my country, but being drunk that day I happened to come across McCurdy and he reproached me in language which I took to myself to be insulting. Whatever words passed between us I cannot recollect. It seems that I made a remark about the oath. If I did it was to aggravate him and I had no intent of violating it. I raised a good portion of a company for Colonel Birge's regiment in my house at my own expense, which I turned over to a man named Samuel Brown, now first lieutenant of the company. Also I have contributed to the Sanitary Commission and to the relief of poor soldiers, and am as good a Union man as the man who caused my arrest.

Whereupon the court, having been cleared, after mature deliberation, find the prisoner, Joseph P. Hussey, as follows:

Of the specification, guilty, except the words "at divers places and times," and the words "violently abuse said Government."

Of the charge, guilty.

And do therefore sentence him, the said Joseph P. Hussey, to be shot to death at such time and place as the commanding general of the department may direct.

LEWIS MERRILL,
Colonel and President of Military Commission.
ROBERT A. HOWARD,
Recorder Military Commission.

The undersigned, members of the military commission before which the above-named prisoner was tried and convicted, whilst satisfied that he is guilty as charged and while not desiring to throw any impediment in the way of the speedy and certain punishment of offenders against the well-settled laws of war yet think this a fit subject for recommendation to mercy. In view then of the reputation for good behavior which the prisoner has always borne among those with whom he lived; of the fact that he has by acts exhibited at least a desire to be loyal; of the fact which is apparent that there was bad blood between the prosecuting witness and the prisoner and the possibility that the prosecuting witness sought to entrap the prisoner into the unwary utterance of some disloyal sentiments, do respectfully recommend to the commanding general that the sentence be commuted to imprisonment during the war at such place as the commanding general may direct.

S. B. SHAW,
Major.
ROBERT A. HOWARD,
Captain.

Finding and sentence approved. Recommended that the sentence be mitigated to imprisonment during the war.

J. M. SCHOFIELD,
Brigadier-General, Commanding Saint Louis District.

Finding and sentence confirmed. On the recommendation of Brigadier-General Schofield the sentence will be mitigated to imprisonment during the war in the military prison at Alton.

By command of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SAINT LOUIS, *October 20, 1862.*

His Excellency ABRAHAM LINCOLN,
President of the United States:

We, the undersigned, prosecuting witnesses in the case of Joseph P. Hussey, who was tried and convicted by the military commission which convened in Saint Louis in May, 1862, join with his immediate neighbors in petitioning your excellency for his release. He has now been confined six months which punishment we think is ample for his crime under the existing circumstances. He has a wife and three small children dependent on him for support; likewise he is in delicate health and has been for years—in fact he is consumpted. He has no means whereby to support his family but his daily toil. Furthermore we are satisfied that he will conduct himself as a loyal citizen and be more guarded in his remarks for his crime consisted in words and not in any act.

Hoping your excellency will temper justice with mercy and once more permit him to enjoy the pleasures of his family and friends is the humble prayer of your petitioners.

Thus we shall ever pray.

A. McCURDY,
M. B. CURTIS,
CALEB BUSY,
Prosecuting witnesses.
GEO. SANFORD,
(And 20 Others.)

[First indorsement.]

Respectfully referred to the President with a recommendation that this petition may be granted. I am sure that in this case the exercise of clemency will avail more than the severest punishment.

Respectfully,

FRANK P. BLAIR, JR.

[Second indorsement.]

EXECUTIVE MANSION, *October 25, 1862.*

Respectfully referred by the President to the Judge-Advocate-General.

JNO. G. NICOLAY.

GENERAL ORDERS, No. 37. } HDQRS. DEPT. OF THE MISSISSIPPI, *Corinth, Miss., June 23, 1862.*

* * * * * * *

II. At a military commission which convened at Saint Louis, Mo., pursuant to Special Orders, No. 117, of May 2, 1862, from the headquarters Saint Louis District, and of which Col. Lewis Merrill, Regiment Merrill's Horse, is president, were arraigned and tried:

Absalom Hicks.

CHARGE: Violation of the laws of war.

Specification 1.—In this, that Absalom Hicks, a citizen of Boone County, Mo., taking advantage of the unsettled state of the country with others unknown and within the lines of the forces of the United States did burn and destroy and aid in burning and destroying certain railroad bridges, ties, rails and other valuable property belonging to and owned by the North Missouri Railroad Company, which said bridges, ties, rails and other property were necessary to the use of said company in the transaction of their ordinary and legitimate business. This at or near Sturgeon, Boone County, Mo., on or about the 15th day of June, 1861.

Specification 2.—In this, that Absalom Hicks, a citizen of Boone County, Mo., taking advantage of the unsettled state of the country with others unknown and within the lines of the forces of the United States did burn and destroy and did aid in burning and destroying certain railroad bridges, ties, rails and other valuable property belonging to and owned by the North Missouri Railroad Company, which said bridges, ties, rails and other property were necessary to the use of said company in the transaction of their ordinary and legitimate business. This at or near Boone County, Mo., on or about the —— day of ——, 186—.

Specification 3.—In this, that Absalom Hicks, a citizen of Boone County, Mo., taking advantage of the unsettled state of the country with others unknown and within the lines of the forces of the United States did burn and destroy and aid in burning and destroying certain railroad bridges, ties, rails and other valuable property belonging to and owned by the North Missouri Railroad Company, which said bridges, ties, rails and other property were necessary for the use of said company in the transaction of their ordinary and legitimate business. This at or near Sturgeon, Boone County, Mo., on or about the 20th day of December, 1861.

The accused pleaded guilty to the first specification; not guilty to the second and third specifications, and to the charge not guilty.

The commission finds the accused as follows:

On the first specification, guilty, except the words "taking advantage of the unsettled state of the country," and the words "within the lines of the forces of the United States."

Of the second specification, not guilty.

Of the third specification, not guilty.

Of the charge, not guilty, but guilty of being in arms against the Government of the United States, and does therefore recommend that he, Absalom Hicks, be held in confinement as a prisoner of war.

Finding and recommendation approved. The prisoner will be held as a prisoner of war until further orders.

J. M. SCHOFIELD,
Brigadier-General, Commanding Saint Louis District.

Finding and sentence confirmed. Absalom Hicks will be held as a prisoner of war at the military prison at Columbus, Ohio.

* * * * * * *

By command of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

The Pillow-Wallace Agreement to Exchange Prisoners.

BRIGADE HEADQUARTERS,
Cairo, August 30, 1861.

Maj. Gen. JOHN C. FRÉMONT,
Commanding Western Department.

SIR: I inclose you copy of communication to Brigadier-General Pillow* on the subject of an exchange of prisoners; but you will observe we have guarded against any advantage which may have been sought under the guise of humanity.

* * * * * * *

Most respectfully, your obedient servant,

R. J. OGLESBY,
Colonel, Commanding Forces at Cairo.

HEADQUARTERS,
Bird's Point, Mo., August 30, 1861.

Major-General FRÉMONT,
Saint Louis, Mo.

SIR: I have the honor to report to you that to-day an officer of the secession army, claiming to be Lieutenant Herndon, of the Bolivar (Mississippi) Troop (cavalry), came to our lines at this point bearing a flag of truce and a letter from General Pillow of which I inclose you a copy, marked "A."

Upon consultation with Colonel Oglesby, in command at Cairo, I prepared a reply of which the accompanying paper marked "B" is a copy and sent it by the hand of Lieutenant Tufts, of Captain Noleman's cavalry company, to New Madrid.

I am, sir, very respectfully, your obedient servant,

W. H. L. WALLACE,
Colonel, Commanding at Bird's Point.

[Inclosures.]

A.

HEADQUARTERS,
New Madrid, August 28, 1861.

COMMANDING OFFICERS, *Bird's Point and Cairo.*

SIRS: I have in my encampment at Sikeston a number of the Federal army as prisoners. You have as prisoners a number of the Missouri State Troops under my command. You have a private, Frank A. Gay-

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* See Wallace to Pillow, August 30, p. 505.

don, of the Mississippi Bolivar Troop of the Confederate Army. I have a prisoner of your army brought in to-day by the name of Jonathan Doulin, belonging to Captain Burrell's company of Illinois volunteers.

The object of this communication is to ascertain if you will exchange prisoners.

I send First Lieut. D. C. Herndon, of the Mississippi cavalry, with a flag of truce for the purpose of delivering this communication and respectfully ask that you will inform me of your purpose.

I am, sir, respectfully, &c.,

GID. J. PILLOW,
Brigadier-General, C. S. Army.

B.

HEADQUARTERS,
Bird's Point, August 30, 1861.

General GIDEON J. PILLOW, *New Madrid, Mo.*

SIR: Your note of the 28th instant in regard to an exchange of prisoners is just received by the hand of your messenger, Lieutenant Herndon.

The subject of your note involves a question which has not been settled between the contending parties in this war, but waiving such question for the purposes of the present case and protesting that this case shall not in any sense be regarded as a precedent, it has been determined on consultation with the officer in command at Cairo to exchange prisoners with you, man for man of equal rank.

In carrying this arrangement into effect of course satisfactory evidence must be furnished that the prisoners you offer to exchange belong to the Federal army. I make this suggestion because Lieutenant Herndon tells me in conversation that you hold some twenty-three prisoners while we have lost but three men from this command, all of whom belong to Captain Burrell's cavalry company. Their names are Mattison Putnam, John Clark and Jonathan Doulin.

I send in company with Lieutenant Herndon Lieut. S. P. Tufts, of the Centralia cavalry company belonging to my command, to arrange with you the time of making such exchange, and I suggest that the exchange be made at Charleston, Mississippi County, Mo. Please furnish Lieutenant Tufts a list of the persons you hold as Federal prisoners. Inclosed I send you a list* of persons we hold as prisoners belonging to your command.

Respectfully,

W. H. L. WALLACE,
Colonel, Commanding U. S. Forces at Bird's Point, Mo.

I concur in the above.

R. J. OGLESBY,
Colonel, Commanding Forces at Cairo.

SPECIAL ORDERS, No. 107. } HEADQUARTERS,
New Madrid, September 2, 1861.

Col. John S. Bowen, Maj. John H. Miller and Captain White (Tennessee Mounted Rifles), of the Confederate Army, are appointed a board of officers to meet a similar board of like grade to be appointed

* Not found.

by Colonel Wallace, of the Federal Army, commanding at Bird's Point, to exchange prisoners and to determine the character of those persons offered as prisoners to be exchanged.

This board of officers on the part of the Confederate Army will proceed unarmed and with a flag of truce to Charleston, Mo., so as to be there on the 3d instant as early as 12 o'clock if practicable. Will then meet a general board appointed by the Federal commander, Colonel Wallace. Will confer with the board and exchange prisoners as far as is practicable under the agreement of Colonel Wallace as found in the correspondence, copy of which I herewith furnish.*

This board of officers will take with them the prisoner, Jonathan Doulin, in this camp, and such other prisoners as may be in General Thompson's camp with armed escort of thirty mounted men who will likewise march under a flag of truce. This escort and these prisoners will halt and remain 100 paces from the body of prisoners and escort of Federal forces and will then remain subject to the orders of the colonel of the board who will command the whole expedition. When the exchange is effected each escort with the exchanged prisoners will return the flag of truce to their respective headquarters with their prisoners unexchanged and such as may be turned over in the exchange.

The colonel will conduct the whole proceedings with courtesy due and proper on such occasions and carefully guard against any and every act or thing which would constitute a breach of the sanctity of the occasion. Colonel Burch, aide-de-camp to the general commanding, will accompany the expedition and keep a strict account of the proceedings and report accordingly.

Colonel Bowen will submit his instructions to the colonel appointed by Colonel Wallace, who will it is presumed submit his instructions to Colonel Bowen.

By command of Brig. Gen. Gid. J. Pillow, commanding:

GUS. A. HENRY, JR.,
Assistant Adjutant-General.

BIRD'S POINT, MO., *September 4, 1861.*

Maj. Gen. J. C. FRÉMONT,
Commanding Department of the West, Saint Louis, Mo.

SIR: On the 2d day of September Lieut. S. P. Tufts (whom I had sent to New Madrid with my answer to General Pillow's proposition for an exchange of prisoners of which I advised you in my letter of the 30th ultimo) returned from New Madrid bringing a letter from General Pillow of which the inclosed paper is a copy.

On the 2d instant I ordered Colonel Hicks, of the Fortieth Regiment Illinois Volunteers; Major Nevins, of the Eleventh Regiment Illinois Volunteers; Captain Noleman, of the Centralia cavalry, and Captain Hotchkiss, my acting assistant adjutant-general, with an escort of thirty mounted men to proceed to Charleston and effect the exchange of prisoners in pursuance of the agreement made under written instructions to Colonel Hicks of which the inclosed paper is a copy. I also transmitted by Colonel Hicks a reply to General Pillow's last letter of which the inclosed paper is a copy.

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* Omitted here. See Wallace to Pillow, p. 505.

Colonel Hicks proceeded to Charleston with his party and several prisoners where he met a similar party from General Pillow's command and exchanged three of the prisoners for three men belonging to Captain Burrell's cavalry company, attached to my command, who had been captured by the enemy in skirmishes heretofore.

I inclose herewith a copy of the agreement and report of exchange signed by the officers making it.

Very respectfully, your obedient servant,

W. H. L. WALLACE,
Colonel, Commanding at Bird's Point.

[Inclosure No. 1.]

HEADQUARTERS ARMY OF LIBERATION,
New Madrid, August 31, 1861.

Colonel WALLACE,
Commanding U. S. Forces at Cairo and Bird's Point.

COLONEL: Your dispatch of the 30th instant in reply to my proposition for the exchange of prisoners is respectfully acknowledged.

Lieutenant Tufts and myself have agreed to the following terms for the exchange, viz: Man for man of privates and officer for officer of equal rank. Each party to be satisfied that those proposed as prisoners are really prisoners of war taken in arms. The place for the exchange is Charleston, Mo. The 3d of September the time.

A board of officers shall determine the character of those offered as prisoners and make the exchange. This board shall consist of a colonel, major and captain of cavalry or infantry from each army, to be associated with a member of General Pillow's staff and one from the staff of Colonel Wallace. Each party to bear a flag of truce. The prisoners to be accompanied by an armed escort of thirty mounted men each. The mounted escort and prisoners to be conducted within 100 paces of each other and there await the orders of the colonel of each party. The escort, prisoners and whole of each separate detachment to be commanded respectively by the colonel on duty. When the exchange is effected as far as the parties respectively have prisoners the balance of prisoners unexchanged will be marched back as prisoners to the encampment from whence they proceeded.

Brig. Gen. Gid. J. Pillow proposes that he will procure the exchange of an equal number of prisoners of the same grade and rank now held by the Confederate Government at Richmond, Va., for such other prisoners as may still be held by Colonel Wallace unexchanged under this agreement and will procure and cause to be delivered to Colonel Wallace the evidence of that fact in an order from the Secretary of War of the Confederate Government giving the names and commands to which they belong and the places of residence of those released. Colonel Wallace is respectfully asked if under this pledge of General Pillow he will release those he may still hold after the exchange?

General Pillow also proposes that each party shall release all captured citizens who may have rendered themselves obnoxious by their sentiments or opinions to either party. Unless citizens are found in arms there would be no end to captured citizens for opinion's sake, and to adopt a different rule of action is utterly inconsistent with the principles of toleration of opinion which our common country has allowed until the occurrence of our national troubles culminated in the present unhappy war. Colonel Wallace will please indicate his willingness to

adopt and carry out this principle of action or not and furnish me with his answer through the board of commissioners who may meet to consummate an exchange of prisoners on the 3d instant.

GID. J. PILLOW,
Brigadier-General, C. S. Army.

[Inclosure No. 2.]

HEADQUARTERS,
Bird's Point, Mo., September 2, 1861.

Colonel HICKS, *Fortieth Regiment Illinois Volunteers.*

COLONEL: You will proceed to-morrow morning at 8.30 o'clock with Major Nevins, Eleventh Regiment Illinois Volunteers, and Captain Noleman, Centralia cavalry, Captain Hotchkiss, acting assistant adjutant-general at this post, and an escort of thirty mounted men and the prisoners (a list of whom will be furnished you) to Charleston with a flag of truce. At Charleston you will meet a similar party from General Pillow's command and you will then effect an exchange of prisoners in accordance with the following instructions:

When you are reasonably satisfied that a person presented by the other party for exchange is a soldier belonging to the U. S. Army you will exchange for each such soldier "if a private" one of the prisoners sent with you who is a private; if an officer then an officer "of equal rank" will be exchanged. You will exchange for and receive the three men belonging to Captain Burrell's cavalry, whose names are Mattison Putnam, John Clark and Jonathan Doulin, and I desire that the prisoner Frank A. Gaydon be exchanged for one of these. Irregular Union men mustered as home guards who may have been taken by the enemy in arms may be received in exchange for Missourians not mustered into the service of the Confederate States who have been taken in arms by the U. S. forces.

You will be particularly careful to do nothing which will create just cause for the charge of violating a flag of truce, and on the other hand you will enter into no negotiations on any subject beyond the actual exchange of prisoners at this time and place.

When the exchange is completed or as soon as it is apparent that it cannot be completed you will return with your party and the persons received in exchange and the unexchanged prisoners to this point and report to me.

Very respectfully, &c.,

W. H. L. WALLACE,
Colonel, Commanding at Bird's Point.

[Inclosure No. 3.]

HEADQUARTERS,
Bird's Point, Mo., September 2, 1861.

Gen. GIDEON J. PILLOW, *New Madrid.*

GENERAL: Your communication dated 31st ultimo is just received by the hand of Lieutenant Tufts. I have designated the following-named officers who with an escort of thirty mounted men will meet a similar party from your command at Charleston to effect the exchange of prisoners agreed upon, viz: Colonel Hicks, Fortieth Regiment Illinois Volunteers; Major Nevins, Eleventh Regiment Illinois Volunteers; Captain Noleman, Centralia cavalry; associated with these is Capt. C. T. Hotchkiss, acting assistant adjutant-general on my staff.

Your proposition to procure the exchange of other prisoners for prisoners at Richmond is respectfully declined, the sole object in entering into this negotiation being to procure the release of men belonging to my command who are held as prisoners by you.

Your proposition that each party shall release all citizens who may have been captured on account of their sentiments or opinions merely meets the approbation of my judgment, but as I hold no prisoners of that class it is unnecessary to discuss the proposition and I can only hope that as the suggestion comes from you, you will in the interest of humanity and the "principles of toleration of opinion" act upon the suggestion.

Respectfully, &c.,

W. H. L. WALLACE,
Colonel, Commanding U. S. Forces at Bird's Point.

[Inclosure No. 4.]

CHARLESTON, MO., *September 3, 1861.*

The undersigned, a board of officers appointed by Colonel Wallace, of the U. S. Army, and Brigadier-General Pillow, of the Confederate Army, to meet at this place on this day for the purpose of effecting an exchange of prisoners met in pursuance of the agreement between their respective commanders.

After having read and exchanged instructions they agreed to exchange Jonathan Doulin, private in Captain Burrell's company of cavalry, U. S. forces, for Frank A. Gaydon, private in Captain Montgomery's company of cavalry (Bolivar Troop), Confederate forces. They further agreed to exchange Mattison Putnam and John Clark, privates in Captain Burrell's company, for any two privates of Missouri State Guard, commanded by General Thompson, who were held as prisoners by Colonel Wallace, the two to be selected by lot. Lot being cast, Samuel Warren and John P. Kline were selected to be exchanged for Privates Putnam and Clark. Upon this basis the exchange was then made. There being no further business the board then adjourned.

S. G. HICKS,
Colonel Fortieth Regiment Illinois Volunteer Infantry.
JOHN H. MILLER,
Major First Battalion Mississippi Cavalry.
GARRETT NEVINS,
Major Eleventh Illinois Volunteer Infantry.
R. D. NOLEMAN,
Captain of Cavalry.
JNO. S. BOWEN,
Colonel, Provisional Army, C. S.
J. S. WHITE,
Captain, Tennessee Mounted Rifles, C. S. Army.
JOHN C. BURCH,
Colonel of Infantry and Aide to General Pillow.
C. T. HOTCHKISS,
Captain, Eleventh Regiment, and Actg. Asst. Adjt. Gen.

HEADQUARTERS,
Columbus, Ky., September 6, 1861.

Maj. GUS. A. HENRY, JR.,
Assistant Adjutant-General.

SIR: In obedience to Special Orders, No. 107, I submit the following report of the proceedings of the board of officers appointed by Brigadier-General Pillow, C. S. Army, and Colonel Wallace, U. S. Army, to superintend an exchange of prisoners:

In pursuance of the special order Colonel Bowen, First Regiment Missouri Volunteers; Major Miller, Mississippi cavalry; Captain White, Tennessee Rifles, and myself left New Madrid, Mo., under a flag of truce on the 2d with the prisoners and a mounted escort of thirty armed men commanded by Captain McDonald, of Memphis Independent [Light] Dragoons, the whole under command of Colonel Bowen. From New Madrid we proceeded to General Thompson's encampment for the purpose of procuring such prisoners as he had. He, believing that the enemy would not exchange for those prisoners of his known as the Home Guard although captured in arms declined sending them.

We arrived at Charleston the place agreed upon for the exchange about noon on the 3d. We found the officers, escort and prisoners of the U. S. forces had just arrived from Bird's Point. After an organization of the board Colonel Bowen called the attention of the U. S. officers to the relative position of the Missouri State Guard acting as allies of the Confederate forces, and the Missouri Home Guard acting as allies of the forces of the United States; that although the former were not mustered into the service of the Confederate States, yet as they were acting as the allies of the Confederate States Government they should be exchanged as regular prisoners of war. To this the U. S. officers under instructions from Colonel Wallace assented; but as we did not have with us any of the Home Guard prisoners captured by General Thompson we could not exchange them for prisoners of the Missouri State Guard.

The accompanying paper, marked Exhibit A,* will show the action of the board. I also submit herewith the instructions of Colonel Wallace.* We had three prisoners who had regularly been mustered into U. S. service before they were captured by our forces. They had but one prisoner (Gaydon, of Mississippi cavalry) that had been mustered into the Confederate service; but our officers proposed to exchange two of our prisoners which they held belonging to our allies the Missouri State Guard. This proposition was agreed to and the election by lot, spoken of in Exhibit A, was consummated by Captain Hotchkiss, U. S. Army, and myself.

It affords me pleasure to say that proceedings of the board and the intercourse of the officers were of the most courteous character. In accordance with the instructions of General Pillow the officers appointed by him were entirely unarmed. Not so with the Federal officers. Nothing, however, occurred to mar the harmony of the proceedings. I cannot conclude this report without expressing the gratification of the officers at the courteous and soldierly manner in which Captain McDonald and the escort under his command deported themselves.

Respectfully,

JNO. C. BURCH,
Colonel and Aide-de-Camp.

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* Omitted here. See report of Wallace to Frémont, September 4, p. 506, for these papers.

Negotiations for Exchange of Prisoners between Generals Grant and Polk and their Subordinates.

UNION CORRESPONDENCE, ETC.

HEADQUARTERS DISTRICT SOUTHEAST MISSOURI,
Cairo, Ill., September 25, 1861.

Lieut. Col. E. P. WOOD, *Commanding Fort Holt, Ky.:*

* * * * * * *

Take two leading secessionists from the neighborhood of Elliott's Mills prisoners to be held as hostages for the safety of William Mercer, a Union man and Kentuckian, taken by the invaders of his State and carried to Columbus or elsewhere as a prisoner.

By order of Brigadier-General Grant:

JNO. A. RAWLINS,
Assistant Adjutant-General.

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
October 14, 1861.

COMMANDING OFFICER, *Cairo and Bird's Point:*

I have in my camp a number of prisoners of the Federal Army and am informed there are prisoners belonging to the Missouri State Troops in yours. I propose an exchange of these prisoners and for that purpose send Captain Polk, of the artillery, and Lieutenant Smith, of the infantry, both of the C. S. Army, with a flag of truce to deliver to you this communication and to know your pleasure in regard to my proposal.

The principles recognized in the exchange of prisoners effected on the 3d of September between Brigadier-General Pillow, of the Confederate army, and Colonel Wallace, of the U. S. Army, are those I propose as the basis of that now contemplated.

Respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, October 14, 1861.

Major-General POLK, *Columbus, Ky.*

GENERAL: Yours of this date is just received. In regard to the exchange of prisoners proposed I can of my own accord make none. I recognize no Southern Confederacy myself but will communicate with higher authority for their views. Should I not be sustained I will find means of communicating with you.

Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

BRIGADE HEADQUARTERS,
Camp Cairo, October 23, 1861.

Capt. CHAUNCEY MCKEEVER,
Assistant Adjutant-General, Saint Louis, Mo.

SIR: I am instructed by Brigadier-General McClernand, commanding at this post, to inclose, first, copy of his communication to the officer

commanding the hostile forces at Columbus, Ky., accompanied by return of three prisoners therein named; second, copy of reply of Major-General Polk, accompanied by sixteen prisoners; third, list of the prisoners thus received; fourth, copy of instructions given Col. N. B. Buford, Twenty-seventh Regiment Illinois Volunteers, adding that the proceedings passed off without accident and as appears with good effects.

Yours, &c.,

M. BRAYMAN,
Assistant Adjutant-General.

[Inclosure No. 1.]

BRIGADE HEADQUARTERS,
Camp Cairo, October 22, 1861.

COMMANDING OFFICER, *Columbus, Ky.*

SIR: The chances of the present unhappy war having left in my hands a number of prisoners who have been detained at this post for some time past I have for special reasons as well as in obedience to the dictates of humanity determined unconditionally to release them.

The prisoners alluded to are A. A. Woodward, Lewis Young and Frederick Penny, all taken by a party of U. S. troops in the affair at Charleston, Mo., on the 20th of August last.

Col. N. B. Buford, of the Twenty-seventh Regiment of Illinois Volunteers, is charged by me with the delivery of said prisoners to such persons as you may authorize to receive them and for that purpose visits your camp under the protection of a white flag. You will please receive him in the special character with which he is clothed and after the completion of his mission give him safe conduct from your post.

I have the honor to be, yours, &c.,

JOHN A. McCLERNAND,
Brigadier-General, Commanding.

[Inclosure No. 2.]

BRIGADE HEADQUARTERS,
Camp Cairo, October 23, 1861.

Col. N. B. BUFORD,
Commanding Twenty-seventh Regiment Illinois Volunteers.

SIR: You are hereby intrusted with a delicate and in a political aspect a highly responsible mission.

A. A. Woodward, Lewis Young and Frederick Penny were captured in the affair at Charleston, Mo., on the 20th of last August, and have been since detained at this post as prisoners of war. You will take them in charge on a Government steamer and under the protection of a flag of truce proceed to the camp of the enemy at Columbus, Ky., and there making known your mission to the commanding officer will deliver them to such person as he may authorize to receive them. When you have fulfilled your mission you will ask of the commandant of the camp safe conduct therefrom and immediately return to this post.

In your conversation with the commandant or with his representatives you will avoid all discussion upon the rights of belligerents and place my action herein simply upon the ground of humanity and a desire to relieve the unhappy war now waged between kindred of peculiar and aggravating difficulties. Beyond this limit I do not deem it advisable for you to go.

Yours, &c.,

JOHN A. McCLERNAND,
Brigadier-General, Commanding.

[Inclosure No. 3.]

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., October 23, 1861.

Brig. Gen. JOHN A. MCCLERNAND, *Commanding, Cairo.*

SIR: I have received your note of this date borne by Col. N. B. Buford, of the Twenty-seventh Illinois Regiment, responding to the overtures made by me to General Grant some days since on the subject of an exchange of prisoners; and although your mode of accomplishing it waives the recognition of our claims as belligerents I am not disposed to insist on an unimportant technicality when the interests of humanity are at stake.

I accept the release of the three prisoners tendered me being as your note implies all of those of the Confederate army in your possession. In return I have pleasure in offering you the sixteen of those of the Federal army in my possession.

Hoping that in the prosecution of the unhappy conflict in which we are engaged we shall never lose sight of the claims of generosity on those who direct the operations of the armies of our respective Governments,

I have the honor to be, respectfully, yours,

LEONIDAS POLK,
Major-General, Commanding.

[Inclosure No. 4.]

BRIGADE HEADQUARTERS,
Camp Cairo, October 23, 1861.

The following named prisoners were released to-day by General Polk at Columbus and returned to this post:

Lieut. J. W. Campion, H. C. Manker, A. H. Rowan, Company C, Twentieth Illinois Volunteers; John Herberich, M. H. Lambert, Company I, Fourth Cavalry, Regular Army, Lieutenant Powell; Theodore Eberger, Augustus Shanaman, Charles Stenberg, Company H, Captain Pfaff's cavalry; P. H. Lippert, Company F, Twenty-fourth Illinois Volunteers; Louis Walter, Charles Hesenpfug, George Fisher, Company A, Henry Henser, H. Bossbelbaum, John Fesholt, F. Schmitt, Company C, Ninth Missouri Volunteers.

M. BRAYMAN,
Assistant Adjutant-General.

HEADQUARTERS CAMP FRÉMONT,
Cape Girardeau, Mo., October 27, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters District of Southeast Missouri.

SIR: I wish to inquire of the general commanding what I shall do with the prisoners taken at Fredericktown whom I have here and among whom is one captain and one lieutenant. Two of them I have already released upon their taking the oath of allegiance.

I am, very respectfully, your obedient servant,

[J. B. PLUMMER,]
Colonel Eleventh Missouri Volunteers, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, October 30, 1861.

Capt. C. MCKEEVER, *Saint Louis, Mo.:*

To-day I sent a flag of truce to near Columbus bearer of Captain Whitfield who had been sent here in charge of Capt. G. W. Gosnold, of the Thirteenth Missouri Volunteers, to be delivered up to the Southern army. Captain G.'s conduct was such as to induce me to direct that he should not accompany the flag of truce. He showed such anxiety, however, to go that I consented to his going along but directed he should not be recognized in any official capacity. His subsequent conduct shows that my first judgment was right. I refer you to Captain Hillyer's report herewith accompanying for further information.

U. S. GRANT.
Brigadier-General.

[Inclosure.]

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, October 30, 1861.

Brigadier-General GRANT, *Commanding, Cairo.*

GENERAL: In pursuance of your orders I left Cairo on the steamer W. H. B. at 10 o'clock to-day having in charge Captain Whitfield of the rebel army, and went down the river with a flag of truce. A mile this side of Columbus I was met by the steamer Yazoo having on board General Polk and staff of the rebel army. Upon the invitation of General Polk I went on board the Yazoo, stated the object of my mission and delivered the prisoner to him. While on board the Yazoo General Polk informed me that Captain Gosnold, who accompanied the expedition, had solicited him to be permitted to go to Columbus and that he had told Gosnold that his request must be preferred through me before it could receive his consideration. I thereupon ordered Gosnold on board our steamer and started to return to Cairo. A few minutes afterward Captain Gosnold jumped overboard and disappeared and I have no doubt was drowned.

No other incident worthy of report occurred. I returned to Cairo at 4 p. m.

Very respectfully,

WM. S. HILLYER,
Captain and Aide-de-Camp.

HEADQUARTERS CAMP FRÉMONT,
Cape Girardeau, Mo., November 4, 1861.

General JEFF. THOMPSON.

SIR: I have been informed from a source upon which I place some reliance that Sergeant Ryan of my command, whom I dispatched with a communication for the commanding officer at Ironton from my camp at Dallas on the 19th ultimo and who was captured by your pickets, was put to death. I would remark that he was not a spy and therefore not subject by the rules of war to be tried and condemned as such; but on the contrary he carried the evidence of his character with him in the communication of which he was the bearer. I have put five of the prisoners taken by me at Fredericktown in close confinement who will be held responsible for the life of that man. The other prisoners

I have will be released on parole. They will be absolved from their parole whenever you inform me that you have absolved those taken by you at the bridge on the Iron Mountain Railroad. The five prisoners I retain will be released upon the same terms whenever the sergeant I refer to is released and not before. I forward this communication by one of the prisoners (W. F. Martin), and would be pleased if you would return me an answer by the same messenger, and on his arrival at this post he will be unconditionally released by me and permitted to join you wherever you may be.

I have the honor to be, respectfully, your obedient servant,

J. B. PLUMMER.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, Ill., November 8, 1861.

COMMANDING OFFICER C. S. FORCES, *Columbus, Ky.:*

In the skirmish of yesterday* in which both parties behaved with so much gallantry many unfortunate men were left upon the field of battle who it was impossible to provide for. I now send in the interest of humanity to have these unfortunates collected and medical attendance secured them. I at the same time return sixty-four prisoners taken by our forces who are unconditionally released. Colonel Webster, chief of engineers, District of Southeast Missouri, goes bearer of this and will express to you my views upon the course that should be pursued under circumstances such as those of yesterday.

U. S. GRANT,
Brigadier-General, Commanding.

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., November 8, 1861.

Brig. Gen. U. S. GRANT, *U. S. Army.*

GENERAL: I have received your note in regard to your wounded and killed left on the battle-field after yesterday's engagement.

The lateness of the hour at which my troops returned to the principal scene of the action prevented my bestowing the care upon your wounded which I desired. Such attentions as were practicable were shown them and measures were taken at an early hour this morning to have them all brought into my hospitals. Provision also was made for taking care of your dead.

The permission you desire under your flag of truce to aid in attention to your wounded is granted with pleasure under such restrictions as the exigencies of our service may require.

In your note you say nothing of an exchange of prisoners though you send me a private message as to your willingness to return certain wounded men and some invalids taken from our list of sick in camp and expect in return a corresponding number of your prisoners.

My own feelings would prompt me to waive again the unimportant affectation of declining to recognize these states as belligerents in the interests of humanity, but my Government requires all prisoners to be

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* Battle of Belmont. For reports, correspondence, &c., relating to this action, see Series I, Vol. III, p. 266, *et seq.*

placed at the disposal of the Secretary of War. I have dispatched him to know if the case of the severely wounded held by me would form an exception.

I have the honor to be, your obedient servant,

L. POLK,
Major-General, Commanding.

ENGINEER'S OFFICE,
Camp Cairo, Ill., November 9, 1861.

Brig. Gen. U. S. GRANT, *Commanding District.*

GENERAL: I have the honor to report the result of the expedition sent under a flag of truce to Columbus yesterday. On our arrival in the vicinity of the place a steamer carrying Captain Blake, assistant adjutant-general to General Polk, met us. I delivered to him your letter and offered him unconditionally the sick and wounded prisoners whom I had in charge. He informed me that orders had been recently received by General Polk respecting the exchange of prisoners and declined accepting those I offered until he could receive further instructions. He then left, saying we had permission to bury our dead on the field of battle. I placed a working party under command of Lieutenant-Colonel Hart, of the Twenty-second Illinois Regiment, and sent them to the field where they were employed for the remainder of the day in caring for the wounded some of whom were found yet there, and in burying the dead.

It was near sunset when Captain Blake again came on board our boat and handed me the communication from General Polk which I gave you last night on my return. He informed me that a dispatch had been sent to their Secretary of War in regard to the exchange of prisoners and that they had received no reply.

During the interval between the two visits of Captain Blake several parties of the enemy visited our boat, General Cheatham among them. He informed me that he had directed four of our wounded to be brought to us and asked if I would give four of theirs in exchange. I told him I would give him four or any other number he would accept unconditionally but that I had no authority to negotiate for an exchange, and that as to the four of ours which he sent on board I would await the decision of General Polk. Several more of our wounded had been given into the care of our party on the field by Major Mason, quartermaster at Columbus.

These facts I mentioned to Captain Blake and told him that these thus put in our care awaited his orders as I wished to avoid any appearance even of doing anything not in strict accordance with our obligations under the flag of truce. He replied that he did not wish to interfere with any arrangements made by others and I thought that under this state of the case it would be putting an unnecessarily fine point on the matter to decline to take back the wounded men so politely offered by General Cheatham and Major Mason. It is due to the latter gentleman particularly to say that his disposition to do everything in his power to aid us in our mission of humanity was conspicuous during our entire stay there and certainly deserves our warmest appreciation.

At the second visit of Captain Blake to our boat he received the sick and wounded prisoners whom I again offered him unconditionally and they were put on board his boat. The number of our wounded as above stated from General Cheatham and Major Mason and brought up by me was thirteen.

I inclose herewith a list* of our men in the hands of the enemy given me by Captain Blake which he thought to be nearly complete.

The number reported by our party as buried by them on the field yesterday was sixty-eight.

I am, general, very respectfully, your obedient servant,

J. D. WEBSTER,
Major and Chief Engineer.

CAIRO, ILL., *November 10, 1861.*

Maj. Gen. L. POLK, *Commanding at Columbus, Ky.*

GENERAL: It grieves me to have to trouble you again with a flag of truce but Mrs. Colonel Dougherty whose husband is a prisoner with you is very anxious to join him under such restrictions as you may impose, and I understand that some of your officers expressed the opinion that no objections would be interposed. I will be most happy to reciprocate in a similar manner at any time you may request it.

I am, general, very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, U. S. Army.

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., November 10, 1861.

Brig. Gen. U. S. GRANT.

SIR: I am in receipt of your note under cover of your flag of truce asking for Mrs. Dougherty the privilege of joining her husband who was unfortunately wounded in the affair of the 7th.

It gives me great pleasure to grant her the opportunity of rendering such grateful service and I hope through her attention the colonel may be restored to such a condition of health as is compatible with the loss he has been obliged to sustain.

Reciprocating your expressions of a readiness to interchange kind offices,

I remain, very respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
New Madrid, Mo., November 11, 1861.

Col. J. B. PLUMMER, U. S. Army,
Commanding, Cape Girardeau, Mo.

DEAR SIR: I am very glad that you have not believed "Madame Rumor" at first sight and have departed from the red tape of the U. S. Army and written to inquire into the fate of Sergeant Ryan. You will find that I am not the bloodthirsty demon which I am reported to be, and Ryan knows that he has not been hung and will testify that I have treated him as well if not better than I have my own soldiers.

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* Not found.

We are having hard times of course and he has had to suffer a little with my ragged-arsed Missourians but he is in good health. I send him to you as a witness in my favor and you can send me one or not at your own pleasure, for I can catch more than I can afford to feed or "eat" as Captain Elliott expresses it.

"Madame Rumor" says you have several citizens of Fredericktown prisoners because they did not notify you that I was in ambush near that place. I assure you on my honor that no one knew of my intention to return from Graham's to ambush you or to fight the joint forces. If you have no other charges against them please release them. I send a few other prisoners with Sergeant Ryan which you will please place to my credit with my schoolmaster, and as my unfortunate men recover please discharge them until my allowances are square.

* * * * * * *

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., November 12, 1861.

Brig. Gen. U. S. GRANT, U. S. Army, *Cairo, Ill.*

SIR: In pursuance of my note of the 8th instant I have to say that I have received from the Secretary of War discretionary power as to the disposition of our prisoners. I have therefore concluded to return to you the whole of your wounded, 103 in number. As to the details of this disposition I refer you to Brigadier-General McCown, C. S. Army, to whom I have intrusted the safe conduct and delivery of the prisoners and he will communicate to you fully my views upon the whole subject.

I have the honor to be, very respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

STEAMER B,
Near Cairo, Ill., November 12, 1861.

Maj. Gen. L. POLK,
Commanding Confederate Forces, Columbus, Ky.

GENERAL: Your note is just received. I am very happy to know that your Secretary of War has left the disposal of the prisoners taken at Belmont at your discretion.

To-morrow at 12 m. I will have a boat meet one from Columbus on the river between the two points where all the prisoners in my possession will be transferred to you.

I cannot give the exact number now having released some thirty-odd already without keeping an exact record.

I am, general, very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, U. S. Army.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
Camp New Madrid, Mo., November 12, 1861.

Col. J. B. PLUMMER, U. S. Army,
Commanding, Cape Girardeau, Mo.

SIR: I send back the prisoner, W. F. Martin, and in his care E. E. Ryan, fourth sergeant, Company A, Seventeenth Illinois Volunteers; E. G. Orr, Captain Hawkins' dragoons; Jackson Wilson, Hawkins' dragoons, and Christopher Tippet, Company B, Roley's company, Bollinger County, which prisoners of war please place to my credit and relieve an equal number of the Missouri State Guard. I have Judge David Conrad, of Bollinger County, still a prisoner he having violated his parole a few days after he was arrested. The majority of the prisoners which General Pillow exchanged with the officer at Cairo were taken by my forces and I now have no more men left belonging to the U. S. service.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, Ill., November 13, 1861.

Brig Gen. JOHN A. MCCLERNAND,
Commanding Post, Cairo, Ill.:

In pursuance of an understanding between myself and General Polk arrived at last evening at the interview under his flag of truce that he should release the remainder of our prisoners taken in the engagement at Belmont on the 7th instant and I should release theirs, you will have all the prisoners taken by us in said engagement put on board the steamer Aleck Scott by 12 m. of to-day.

By order of Brigadier-General Grant:

J. A. RAWLINS,
Assistant Adjutant-General.

HEADQUARTERS CAMP FRÉMONT,
Cape Girardeau, Mo., November 15, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters District of Southeast Missouri, Cairo, Ill.

SIR: I have the honor of bringing to your notice Sergeant Ryan, of the Seventeenth Illinois Volunteers, in charge of Mr. William F. Martin and four other prisoners taken at the battle of Fredericktown on the 21st ultimo who have been unconditionally released by order of the commanding general in his communication of the 14th. Mr. Martin was promised his unconditional release personally by Colonel Plummer should he faithfully perform the journey to Jeff. Thompson's camp and return with an answer. The promise was also made by the colonel in his communication of the 4th to General Thompson. The commanding general will please furnish Martin and his friends safe conduct out of our lines. The absence of the commanding officer from the headquarters until morning and the boat leaving during the night seems to make it necessary to address the commanding general.

I am, very respectfully, your obedient servant,

GEO. P. EDGAR,
Captain and Assistant Adjutant-General.

HEADQUARTERS CAMP FRÉMONT,
Cape Girardeau, Mo., November 15, 1861.

General JEFF. THOMPSON.

SIR: In response to your communication of the 12th by William F. Martin who faithfully performed his errand as a good soldier and an honorable man I send by him this communication accompanied by four prisoners unconditionally released taken by our forces at Fredericktown on the 21st ultimo. Their names are Samuel W. Miller, Thomas Jones, C. P. Warner and S. R. Fawcett. Mr. Martin of course has his unconditional release with a horse satisfactory to himself in lieu of the one that was taken with him but retained by the U. S. forces from Ironton.

We understand that Colonel Killian, of the Missouri State Militia, has released George and Thomas Sepaugh, Clandfelter and two Becks with others on parole conditional upon the release of Judge David Conrad, of Bollinger County, Mo. If there is any misapprehension in regard to the matter please let it be known immediately at these headquarters. We hope that the years of Judge Conrad will secure him attention and comforts which perhaps a younger man would not have the right to expect under the circumstances which to you warrant his detention. Colonel Plummer will be pleased to hear from you as he will be here in a day or so.

I am, very respectfully,

GEO. P. EDGAR,
Captain and Assistant Adjutant-General.

HEADQUARTERS CAMP FRÉMONT,
Cape Girardeau, Mo., November 15, 1861.

Col. J. B. PLUMMER,
Saint Louis, Mo.

SIR: William F. Martin, the messenger to Jeff. Thompson, has returned with Sergeant Ryan and three other prisoners for which we release four on the same terms by General Grant's order. You will find inclosed several letters which Sergeant Ryan and Messenger Martin brought for different parties within our lines. I have read a few of them and think when you have read them all you will forward them (as I promised Martin to send them to you for your action) for Jeff. Also two semi-official letters* to yourself which I read in order to know if any important points were in them pertaining to the immediate interests of this post.

I am, very respectfully, your obedient servant,

GEO. P. EDGAR,
Captain and Assistant Adjutant-General.

STEAMER PREMIER, *November 16, 1861.*

Brig. Gen. U. S. GRANT, U. S. Army.

GENERAL: I regret there should have been any misapprehension on your part as to the exchange of prisoners at our last interview.

My intention was to say to you that while I did not desire to press you to the recognition of the principle of exchange as usually recog-

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*See Thompson to Plummer, *ante*, November 11 and 12.

nized by belligerents I was yet willing to adopt it and it was that principle on which I proposed to act in surrendering the prisoners turned over to you.

My impression was and is that taking into the account the rank of those turned over to you I have made a fair exchange. If on examination it should appear otherwise I am willing to add to the list of those surrendered.

I have the honor to be, respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, Ill., November 16, 1861.

General J. THOMPSON,
Commanding (C. S.) Missouri Forces, New Madrid, Mo.:

I have been requested to intercede in behalf of Judge David R. Conrad who I understand is now a prisoner in your camp. Judge Conrad as I understand is in no way connected with the belligerents on either side, but from his age and respectability if I can lend a helping hand for his release I will be most happy to do so. I am not aware of the charges under which the judge rests and cannot say therefore what success my appeal in his behalf is likely to meet with. My proposition, however, is to release any four of your prisoners you may designate of those now in my possession on the return of Judge Conrad to this place.

U. S. GRANT,
Brigadier-General, Commanding.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
New Madrid, November [19, 1861.]

Brig. Gen. U. S. GRANT, U. S. Army, *Cairo, Ill.*

SIR: Your communication of the 16th instant in relation to Judge Conrad is at hand. Judge Conrad has been released for several days from confinement and has been staying with his personal friends, officers in my army, awaiting a safe escort to his home.

Judge Conrad was arrested by some of my scouts as a member of the Home Guards and would have been released by me in a few days or probably at once had I not just been starting on my expedition to the Iron Mountain Railroad. On my return from that expedition I found that Smith and Conrad had been allowed the limits of the town of Bloomfield on parole and had both violated their parole and escaped. Conrad was recaptured and I felt disposed to punish him severely but he has so many friends among my men that I deferred the matter for investigation and it now appears that he did not know it was wrong to try escape in the manner he did.

In a communication from Capt. George P. Edgar, assistant adjutant-general at Cape Girardeau, in reference to Judge Conrad he states that Colonel Killian has already released several men on parole conditional upon the release of Conrad. I mention this so that I may not get more in this exchange than you consider him worth. Not knowing personally which of my men have families you can let them determine

among themselves which shall be released. I am requested to mention John L. Clark, of Captain Hale's company, Second Regiment Cavalry, and W. A. Presnel, of Wilson's company, Second Regiment Cavalry, David Spradnel, of Higdon's company, Third Regiment Infantry, Matthew Sutton, of Higdon's company, Third Regiment Infantry, as being men with large families. These men are reported at the Cape. You will place them to my credit in place of Capt. T. J. Larison and Lieut. J. B. Tenney, of the Second Regiment Illinois Cavalry, whom I captured on the steamer Platte Valley on the 18th instant, and several (eight) soldiers, a list of whose names I have not at hand but who will probably report themselves as paroled.

Hoping that Judge Conrad will give a better account of us than that which Madam Rumor has given, I subscribe myself,

Yours, &c.,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
New Madrid, November 20, 1861.

Judge Conrad, of Bollinger County, having been released by me in accordance with an agreement between General Grant and myself the officers and soldiers of the Missouri State Guard and of our allies the Confederate States will permit Judge Conrad to pass our lines and offer him such facilities as will enable him to reach his home in Bollinger County safely.

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HEADQUARTERS U. S. FORCES,
Paducah, Ky., November 26, 1861.

ASSISTANT ADJUTANT-GENERAL,
Hdqrs. Department of the Missouri, St. Louis, Mo.

SIR: I transmit herewith a copy of a letter from Brigadier-General Pillow, of the rebel forces, dated on the 24th instant proposing an exchange of prisoners with my answer. I beg to have the instructions of the major-general commanding on this subject.

Very respectfully, your obedient servant,

C. F. SMITH,
Brigadier-General, Commanding.

[Indorsement by General Halleck.]

Acknowledge receipt and say that his letter to General Pillow is approved. In the exchange of prisoners with General Price it was understood that General Price did not claim to be in the Confederate service but a general of Missouri Militia.

[Inclosure No. 1.]

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., November 24, 1861.

Brig. Gen. C. F. SMITH, U. S. Army,
Commanding, Paducah, Ky.:

We have a number of Federal prisoners on hand and are informed that portions of your command took eight prisoners (mounted men) recently in the neighborhood of Fort Henry. The interests of the

service of both commands and the cause of humanity alike indicate the policy of exchange. The Federal prisoners in our possession are from the command at Cairo and General Grant has exchanged or released and procured the return of his men as far as he has had prisoners to be exchanged. If it be your pleasure and allow to be returned to this place our eight men we will release and return eight Federal prisoners now confined in Memphis.

I send this dispatch under a flag of truce to know your pleasure under command of Lieutenant-Colonel Miller, C. S. Army.

With great respect, your obedient servant,

GID. J. PILLOW,
Brigadier-General, C. S. Army, Comdg. Western Department.

[Inclosure No. 2.]

HEADQUARTERS U. S. FORCES,
Paducah, Ky., November 26, 1861.

Brig. Gen. GIDEON J. PILLOW,
Commanding Forces, Columbus, Ky.

SIR: I am in receipt of your communication dated on the 24th instant requesting an exchange of prisoners. To do this would imply that the Government of the United States admits the existing civil war to be one between independent nations. This I cannot admit and must therefore decline to make any terms or conditions in reference to those we mutually hold as prisoners taken in arms without the orders of my Government.

As an act of humanity and until otherwise instructed I shall always treat those whom the fortunes of war place in my hands as prisoners of war.

Very respectfully, your obedient servant,

C. F. SMITH,
Brigadier-General, U. S. Army, Commanding.

[Inclosure No. 3.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., November 28, 1861.

Brig. Gen. C. F. SMITH,
Commanding, &c., Paducah, Ky.

GENERAL: Your communication relating to the exchange of prisoners is acknowledged and your reply to General Pillow is approved. In the exchange of prisoners with General Price in this State it was understood that General Price did not claim to be in the Confederate service but a general of Missouri Militia.

Very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS CAMP FRÉMONT,
Cape Girardeau, Mo., November 26, 1861.

General M. JEFF. THOMPSON, *New Madrid.*

SIR: By direction of General Grant I inclose herewith a copy of a communication addressed to me* from his headquarters in reference to

* Not found.

two citizens of Illinois taken by you from the [steamer] Platte Valley. I have this day released Capt. J. E. Mulhollen and Lieut. E. M. Frazer, taken by me at the battle of Fredericktown, and have to request that in your reply to this communication you will absolve from their paroles Capt. T. J. Larison and Lieut. J. B. Tenney, Second Illinois Cavalry, also taken by you from the steamer Platte Valley. Should you deem the prisoners released by Colonel Killian not sufficient consideration for the release of Judge Conrad I will make up the deficiency. Those released by him were George Sepaugh, Thomas Sepaugh, Jacob Clandfelter, two men by the name of Beck, and others whose names I have not learned. I beg leave to state that W. A. Presnel whom you named among others in your communication to General Grant of the 19th instant as having a large family is not in my possession at this post. He may have been left among the wounded at Fredericktown. I have not the names of those in that condition.

I am, very respectfully, your obedient servant,

J. B. PLUMMER,
Colonel Eleventh Missouri Volunteers, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, November 29, 1861.

Capt. J. C. KELTON,
Asst. Adjt. Gen., Dept. of the Missouri, St. Louis, Mo.

SIR: Inclosed herewith please find a letter sent me from Columbus this day by flag of truce from Major-General Polk. The letter fully explains itself.

In view of the fact that General Polk permitted the families of two of the officers wounded at Belmont to visit them I would respectfully recommend that the exchange asked for be made if practicable.

Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

[Inclosure.]

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., November 29, 1861.

Brigadier-General GRANT, U. S. Army,
Commanding, Cairo.

GENERAL: I hope that the courtesy shown to the families of two of your wounded officers may furnish a justification for the application covered by the flag of truce now sent you. If consistent with your views of public duty in any way to aid in the accomplishment of the object sought it would be grateful to the feelings of the parties most deeply interested. I avail myself of the occasion to say that there is a young man, a private, whose name is John Groves who was wounded and taken prisoner at Cheat Mountain who is now in Columbus, Ohio, who I desire to exchange for. If this can be effected I should be pleased to offer any one of like rank in my hands for him.

I have the honor to be, respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, November 29, 1861.

Capt. J. C. KELTON,
Asst. Adjt. Gen., Dept. of the Missouri, Saint Louis, Mo.

SIR: I inclose you herewith a note from General M. Jeff. Thompson, of the Missouri State Guards, presented by his aide-de-camp, Lieutenant-Colonel Chappell. Colonel Chappell came here with a flag of truce sent by General Polk in charge of Colonel De Russy of the so-called Confederate Army. I informed Colonel Chappell that he was at perfect liberty to return under the flag that brought him but that he could not accompany me to Cairo except as a prisoner to await the action of the general commanding the department. He chose to accompany me and is now a prisoner here. He expressed a particular desire to visit Saint Louis as a prisoner or otherwise under any restrictions to bear dispatches which he has directed to Major-General Halleck. The matter is respectfully referred to the commander of the department for his decision.

Very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

[Inclosure.]

HDQRS. FIRST MILITARY DIST., MISSOURI STATE GUARD,
New Madrid, November 27, 1861.

Brig. Gen. U. S. GRANT, U. S. Army, *Cairo, Ill.*

SIR: I send Lieut. Col. William C. Chappell with a letter to Major-General Halleck in reference to the officers of the steam-boat Platte Valley. Colonel Chappell carries also a letter to my brother-in-law, John J. Abell, of Saint Joseph, Mo. This letter you will please peruse. I assure you that it is strictly on private family matters and has no reference directly or indirectly to military or political affairs and if it is consistent with your sense of duty please forward it to its destination. I would request that Colonel Chappell be allowed to proceed to Saint Louis under such restrictions as you may see fit to impose to bear the letter to General Halleck so that if my wife shall be allowed to come to me he may escort her. You will find that he is strictly honorable and will take no advantage of your confidence.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

[Sub-inclosure.]

HEADQUARTERS FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., November 29, 1861.

General U. S. GRANT, U. S. Army.

GENERAL: This will be handed you by Colonel De Russy, of my staff, who is in command of the flag of truce under which he goes to you. He is accompanied by other officers by my permission and will present to you the gentleman who is the bearer of this particular subject of the flag.

I remain, respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

CAIRO, *November 29, 1861.*

Maj. Gen. L. POLK,
Commanding, Columbus, Ky.

DEAR SIR: I feel constrained to inform you that General Grant and the officers who attended him with the flag of truce understood that he should liberate all the prisoners under his control and that you should do the same.

He is of the opinion that he sent you more sound, healthy men than you returned him wounded men. In relieving you of the wounded he did you a service and leaves an obligation due from you.

On the 16th instant I delivered you one private for which you made no return. On that day I formed the opinion that if our prisoners had not already been sent to Memphis that you would have delivered them to me.

My earnest desire for the liberation of mine of the Twenty-seventh Regiment is unabated. It preys upon me. I desire you to return the ninety-eight prisoners sent to Memphis and express to you the belief that your magnanimity will be suitably acknowledged.

Let us have one more meeting and talk of peace.

Your friend,

N. B. BUFORD,
Colonel Twenty-seventh Regiment Illinois Volunteers.

SAINT LOUIS, *November 30, 1861.*

Major-General HALLECK.

DEAR SIR: This morning in reading the telegraphic dispatches from Cairo I notice that one Colonel Chappell came to the Federal lines at that place with a flag of truce the object of which "was to obtain leave to proceed to Saint Joseph to get Thompson's wife and then escort her South." The leave was refused him by General Grant and "rather than return he decided to remain as a prisoner of war until instructions are received from General Halleck." In connection with this matter I respectfully inform you that Mrs. Jefferson Thompson has not been living with her husband for some time; that she has been for a long while and still is confined as an inmate of the lunatic asylum which is in the southern part of the city under the control of the Sisters of Charity. Further information if deemed necessary will be furnished you in regard to her.

Respectfully,

LEON J. PAPIN.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., December 3, 1861.

Maj. Gen. GEORGE B. MCCLELLAN,
Commander-in-Chief, Washington, D. C.

GENERAL: * * * *

I have directed to the Adjutant-General of the Army the correspondence between General Grant and Bishop General Polk in relation to the exchange of prisoners.

After full consideration of the subject I am of the opinion that prisoners ought to be exchanged. This exchange is a mere military

convention. A prisoner exchanged under the laws of war is not thereby exempted from trial and punishment as a traitor. Treason is a state or civil offense punishable by the civil courts; the exchange of prisoners of war is only a part of the ordinary *commercia belli.*

Very respecttully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 3, 1861.

Brig. Gen. U. S. GRANT, *Cairo, Ill.:*

In reply to your favor of November 29 inclosing letter from General Polk I have the honor to inform you that your letter and inclosure have been referred to the commander-in-chief at Washington.

By command of Major-General Halleck:

J. H. HAMMOND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 3, 1861.

Brig. Gen U. S. GRANT, *Cairo, Ill.:*

I have the honor to inform you that Lieutenant-Colonel Chappell can not be permitted to come to Saint Louis. He may be returned under a flag of truce and any dispatches he may have for the commanding general you can forward in the usual manner.

By command of Major-General Halleck:

J. H. HAMMOND,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 4, 1861.

Col. W. C. CHAPPELL,
Aide-de-Camp to General Thompson, C. S. Army, Cairo, Ill.:

Your note of this date* has just reached me. There must be a decided misapprehension somewhere and I discover you are laboring under an entirely mistaken view of your position.

You were fully informed that the flag under which you came protected you so long as you chose to remain under it. You were at perfect liberty to go back with that flag but informed that if you chose to accompany me it would be as a prisoner of war. I told you that I would communicate with the commander of this department and state your case fully and if he gave his consent you should have all the privileges asked for. In the meantime you would remain here under such restrictions as I would impose which, however, would not be onerous.

I communicated that evening with General Halleck and have not yet received his reply. Your note this afternoon is the first intimation I have had that you desired to return South before hearing the result of this correspondence. Had I known that you desired going with a flag of truce to-day I would have freely given my consent and if you still desire to go I will send you down to-morrow unless orders should be received in the meantime directing otherwise.

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* Not found.

My contracting your limits was in accordance with general instructions received. I feel no disposition to place you under close confinement but if you desire it please inform me.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 4, 1861.

General M. JEFF. THOMPSON,
Commanding Missouri State Troops, New Madrid, Mo.:

In conformity with my proposition to you I directed that four of your prisoners at Cape Girardeau should be released for the safe return of Judge Conrad. My letter to the commanding officer at the Cape on the subject was intended for your perusal and was sent by Judge Conrad. In that letter I directed that four prisoners should be released for the judge, four for the second lieutenant and eight for the captain you arrested on the steamer Platte Valley.

I was in Cape Girardeau a day or two after and found that the judge had not yet made his appearance. Whilst there I learned that we had of your men a captain and lieutenant prisoners. I therefore changed my directions and ordered that these two officers should be exchanged in lieu of twelve men. My instructions were to release these officers and I intended it to mean unconditionally and sent you a note to the effect that it had been done and for what purpose.

The officer in command of the post reported to me that he had released them on parole; to terminate the moment you expressed willingness to release the Platte Valley officers of theirs. I regret that I have forgotten the names of these two officers but hope nevertheless that Captain Larison and Lieutenant Tenney will be released by you in return.

You may have received a communication from Cape Girardeau on this subject since the departure of your aide-de-camp, Lieutenant-Colonel Chappell. I also inclose herewith copy of letter written by me at the same time my instructions to the commander at the Cape was to be sent to you.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 5, 1861.

Maj. Gen. L. POLK,
Commanding Confederate Forces, Columbus, Ky.:

I return to-day Lieutenant-Colonel Chappell, aide-de-camp to General J. Thompson, who would have been sent yesterday had I been made aware that he desired to go back.

I also permit Mrs. ———, of Evansville, Ind., to accompany the flag in the hope that you will permit her daughter, Mrs. Harris, of Columbus, and her son, a boy of some 14 years of age, to visit her in the truce boat. This lady also desires to bring back her son. In this behalf I do not intercede knowing nothing of any of the parties. Being disposed myself to visit as lightly as possible the rigors of a state of war upon non-combatants I have permitted this lady to go to

you to plead her own cause. I would prefer, however, that she be not permitted to go ashore but allowed to see her family under the flag of truce if it be your pleasure to grant her request.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS FIRST DIVISION, WESTERN DEPARTMENT,
[*Columbus,*] *December 6, 1861.*

Brig. Gen. U. S. GRANT, U. S. Army.

GENERAL: I have pleasure in returning to you Colonel Dougherty, the last of your command who was wounded in the battle of the 7th ultimo and who has so far recovered as to allow of his removal.

I also return to you Lieutenant Smith, who has been the attendant and nurse of Colonel Dougherty and whose devoted services may still be necessary to his comfort and ultimate recovery. He is released on parole.

The memorandum herewith sent you will show that in the exchange or release of prisoners heretofore made exclusive of that made through Colonel Buford in the first instance I have released 114 against 124 released by you.

I will send you so soon as the arrangements can be made the difference between these numbers with the understanding that henceforth those exchanged shall be made with a distinct regard to the numbers and grade of the prisoners exchanged.

Respectfully, your obedient servant,

L. POLK,
Major-General, Commanding C. S. Army.

[Inclosure.]

Memorandum of prisoners released by Generals Polk and Grant.

By General Grant, per Colonel Buford	3
By General Grant, after battle, per Colonel Webster	23
By General Grant in person, less six that declined coming	106
By General Grant, per Colonel Buford	1
	130
Less	6
Total	124
By General Polk	16
By General Polk, for General McCown	105
By General Polk, of men taken from battle-field on the 8th	9
Total	114

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, December 10, 1861.

Maj. Gen. H. W. HALLECK,
Comdg. Department of the Missouri, Saint Louis:

The general-in-chief desires that the proposition of General Polk dated November 29 for the exchange of a young man named John Groves, detained as a prisoner at Columbus, Ohio, be acceded to. General Polk's letter was forwarded by Brigadier-General Grant from Cairo.

L. THOMAS,
Adjutant-General.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 16, 1861.

Capt. THOMAS J. LARISON.

SIR: Having released one captain and one lieutenant from General M. Jeff. Thompson's army to secure the release of Lieutenant Tenney and yourself and having received a letter from General Thompson fully indicating that you would be released on a proper exchange; further, being fully assured by Lieutenant-Colonel Chappell, aide-de-camp and chief of staff to General Thompson, that you might consider yourself fully released therefore I declare that you are fully absolved from further obligation by your parole of honor.

U. S. GRANT,
Brigadier-General, Commanding.

HDQRS. FIRST DIVISION, NORTHWESTERN DEPARTMENT,
Columbus, Ky., December 19, 1861.

Brig. Gen. U. S. GRANT, U. S. Army,
Commanding, Cairo, Ill.

GENERAL: In pursuance of my agreement I have at my earliest convenience had ten privates of the prisoners held by me selected to send up to you, that being the difference between the number released by you, 124, and the number released by me, 114, agreed upon by yourself and General McCown. This does not include Lieutenant Smith, the attendant of Colonel Dougherty, who was released by me on parole and of whom no account is taken.

These men were chosen by lot and sent up from Memphis. Since their arrival I find one of them declines to return; I must therefore send you another in his place at a future day.

I send you also your hostler. The terms on which he was to be returned you have already discussed with Colonel Tappan.

I have the honor to be, respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

[Inclosure.]

List of prisoners sent to General Grant December 19, 1861.

Thirty-first Regiment Illinois Volunteers: Company A, H. T. Stein, B. Fannin (not sent), W. W. Sapp; Company H, G. W. Black.*

Seventh Regiment Iowa Volunteers: Company H, W. E. Gregg.

Twenty-seventh Regiment Iowa [Illinois] Volunteers: Company B, Israel G. Heaps, M. Tankesley; Company E, A. Anderson.

Thirtieth Regiment Illinois Volunteers: Company H, James Shaw.

Twelfth Regiment Illinois Volunteers: Company B, H. Harrington.

Francis M. Smith, hostler of General Grant, sent in accordance with agreement between Generals Grant and Cheatham to the effect that Colonel Tappan's colored servant, George, should be returned to him.

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* Stein and Sapp belonged to the Seventh Iowa.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 19, 1861.

OFFICER IN COMMAND OF MILITARY PRISON,
Columbus, Ohio:

Inclosed you will find copy of an order* this day received from headquarters Department of the Missouri. By forwarding the said prisoner John Groves at once a speedy exchange could be effected.

* * * * * * *

U. S. GRANT,
Brigadier-General, Commanding.

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., December 22, 1861.

General U. S. GRANT, U. S. Army,
Commanding, Cairo.

GENERAL: I have the honor to acknowledge the receipt of your communication of this date† and of the list of Camp Jackson prisoners.

I perceive there are at Columbus, Ohio, a number of Confederate prisoners which I now make overtures to exchange grade for grade and man for man for the Federal prisoners now in my possession say ninety; officers to be exchanged for men at rates to be agreed upon.

I am also informed there are eight or ten prisoners at Paducah which I would prefer to have included in the list to be returned to me.

Respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

GENERAL ORDERS, No. 26. } HEADQUARTERS DISTRICT OF CAIRO,
Cairo, December 28, 1861.

Whereas, there are now at Cape Girardeau, Paducah, Smithland and Cave in Rock, places within this military district, many persons who have been driven from their homes and deprived of the means of subsistence by the acts of disloyal citizens of Kentucky and Missouri and their substance taken for the support of a rebellion against this Government; humanity dictates that these people should be comfortably supported and justice demands that the class of persons who have caused their sufferings should bear the expense of the same:

It is ordered therefore that at the place named suitable quarters shall be provided and contributions collected for their support and accounted for in the manner prescribed in General Orders, No. 24,‡ from headquarters Department of the Missouri, with this addition:

Persons of Northern birth and education who are liable to assessment under this order will be taxed 50 per cent. more than Southern men of their class and means.

The refugees at Cave in Rock will be invited and means of transportation provided to Smithland or Paducah.

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* Inclosure omitted. See Thomas to Halleck, p. 529.
† See Grant to Polk, p. 122.
‡ See p. 150.

These contributions will be collected as far out as the military arm can securely extend and at these distant points will be assessed and collected without the intervening of time between assessment and collection.

Commanding officers at Paducah, Ky., and Cape Girardeau, Mo., are particularly charged with the execution of this order.

By order of Brig. Gen. U. S. Grant:

JNO. A. RAWLINS,
Assistant Adjutant-General.

HDQRS. FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
New Madrid, Mo., January 2, 1862.

Brig. Gen. U. S. GRANT, U. S. Army, *Cairo, Ill.*

GENERAL: I send with this letter Private Ambrose Wallis, of Company K, Twentieth Illinois Volunteers, who was captured by my pickets some ten days ago. I have sworn him not to fight or serve against the Southern Confederacy until regularly exchanged. I send by him a few letters which I hope are not contraband and which if not you will please have mailed to their destination. I have several other prisoners and am anxiously awaiting a decision on the proposition I made General Halleck* for a general exchange. I would like to commence 1862 with a new account and see how we will stand next New Year's Day.

Yours, respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HEADQUARTERS,
Cape Girardeau, Mo., January 19, 1862.

[Brig. Gen. U. S. GRANT.]

GENERAL: I have the honor to submit the following report:

* * * * * * *

On the 17th instant the various expeditions returned bringing with them the following prisoners: From Dallas, Major Rawalt with eighteen prisoners formerly of Thompson's command but who had been discharged from further service.

The expedition under Captain Murdoch was the more successful, inasmuch as many of the discharged officers of Thompson's command were attending a ball in Bloomfield preparatory to their re-enlisting and were probably not anticipating an attack until they found themselves surrounded. Thirty-nine prisoners were captured. Among them were Lieutenant-Colonel Farmer, Second Regiment Missouri State Guard; Captain Cole, Company A, Second Regiment Missouri State Guard, and some ten other officers all of whom were discharged by virtue of expiration of term of enlistment. The expedition to Benton arrested and brought in some five persons charged with aiding and abetting the rebels, as also having been in the service of the Confederate Government.

* * * * * * *

I have in accordance with my best judgment looking at the matter in the light of all the facts that I can gather released several of the

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* See p. 139.

prominent parties upon their parole of honor, a copy of which I inclose herewith.* I regarded this as the best method to pursue hoping by so doing to establish a more perfect understanding of the object and aim of the Government among those whose enmity arises unquestionably from (as I have previously intimated) perverted statements on the part of our enemies. These men have pledged their return upon honor at such time as you may indicate through this post, and I am fully satisfied of their honesty of purpose, feeling as they expressed themselves a desire to be after their observation and limited acquaintance here permanently out of the service.

I desire further to state in this connection that much remains undone yet in these localities which I hope to effect as soon as I can procure arms for the cavalry now located at this point. Many are returning and will yet return from the rebel army who fear to come voluntarily and take the oath because of an expressed determination on the part of General Thompson to hang such persons, but who if taken by force will be I am satisfied hereafter loyal citizens. I do not desire to intrude my opinion but I am satisfied that the best policy to pursue toward the remainder of the prisoners is as pursued toward those above indicated. I shall, however, await for approval before doing so.

I have the honor to remain, your obedient servant,

L. F. ROSS,
Colonel, Commanding Post.

[Indorsement.]

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, January 23, 1862.

Respectfully forwarded to headquarters Department of the Missouri.

I disapprove the plan of paroling prisoners of Thompson's army as suggested by Colonel Ross but refer the matter to the general commanding department for his order in the matter.

U. S. GRANT,
Brigadier-General.

CAIRO, *January 19, 1862.*

Colonel ROSS:

You will release no more prisoners of war on parole but send them to Saint Louis.

U. S. GRANT.

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, January 23, 1862.

Maj. Gen. L. POLK, *Commanding Forces, Columbus, Ky.*

GENERAL: I forward by flag of truce in command of Colonel Webster, chief of engineers and chief of staff, the prisoner Groves whose release has been obtained at your special request. Groves was taken sick on his way from Columbus, Ohio, and has been confined in hospital here ever since; hence the delay in sending him.

I would request that Mr. Owens be released on your side in exchange. I make this request understanding that objections were raised to exchanging Owens for prisoners who were arrested for political offenses and did not belong to regularly mustered organizations.

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* Not found.

I send also telegraphic dispatch of Mr. Flanders, long a resident of New Orleans, which I trust you will have the kindness to permit to pass over the wires. I also forward a number of open letters to be mailed to parties in the South.

I am, general, very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General.

P. S.—I will esteem it a personal favor to be reciprocated whenever it may be in my power if you will forward the family of Mr. Flanders to this place under a flag of truce when they arrive in Columbus.

U. S. G.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Pilot Knob, January 24, 1862.

Capt. J. C. KELTON,
Asst. Adjt. Gen., Hdqrs. Dept. of the Missouri, Saint Louis.

CAPTAIN: I have the honor to represent that Capt. I. H. Elliott, Lieut. W. A. Nixon and fifty-four enlisted men of the Thirty-third Illinois Volunteers were captured by Jeff. Thompson's force at Big River bridge on the 15th day of October, 1861. These officers and men were placed on parole not to serve against the State of Missouri or the so-called Confederate States and were then released. The enlisted men have since been discharged. The officers are very desirous of being exchanged and are willing themselves to go to the rebel camp to effect this object. I have no doubt it can be easily done if authority be granted by the general commanding. I now have four officers of Thompson's in my possession, three of whom start to Saint Louis to-day, and one on parole who is under obligation to surrender himself. Captain Elliott when the attack was made on his command by an overpowering force proved himself worthy of his position and more than worth the trouble of his exchange. I earnestly request that an effort be made immediately to have both these officers and the men exchanged.

Very respectfully, your obedient servant,

W. P. CARLIN,
Colonel Thirty-eighth Illinois Volunteers, Comdg. District.

HEADQUARTERS,
Cape Girardeau, January 25, 1862.

General GRANT:

I am frequently importuned by the prisoners now held here in obedience to your order to take the oath of allegiance. They are those returned [of] Thompson's troops and are very anxious to return to their homes and pursue their ordinary avocations. A release upon parole of honor or discharge upon taking the oath of allegiance would be gladly hailed by them as from all I can gather they are heart-sick of opposing the Federal Government. Will you do me the kindness to reply as to course thought preferable by you if either.

Very truly, your obedient servant,

LEONARD F. ROSS,
Colonel, Commanding.

HDQRS. FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
New Madrid, Mo., January 27, 1862.

Col. LEONARD F. ROSS, U. S. Army,
Commandant, Cape Girardeau.

COLONEL: I would be pleased to know in what light you regard the prisoners or persons your forces have lately captured at Bloomfield and other portions of my district—whether as citizens or soldiers? I allude to those who have been soldiers in the Missouri State Guard but who have been disbanded. Citizen Herr, formerly major of the Fifth Regiment of Infantry, bears this communication and will return with the answer. Major Herr will make any arrangement for exchange and can explain more fully my wishes in the case than I can express in a short business letter.

Yours, respectfully,

M. JEFF. THOMPSON,
Brigadier-General.

SAINT LOUIS, *January 29, 1862.*

Colonel CARLIN, *Commanding, &c., Pilot Knob.*

COLONEL: You are authorized to negotiate the exchange of Capt. I. H. Elliott and Lieutenant Nixon and the fifty-four enlisted men of the Thirty-third Illinois for an equal number of prisoners of war now held by us, grade for grade. No commissioners are necessary. If General Thompson* will agree to the exchange and send his prisoners to our lines we will immediately send him an equal number.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, January 29, 1862.

COMMANDING OFFICER, *Cape Girardeau, Mo.:*

Hereafter no more prisoners of war than those belonging to regularly organized companies will be released on their parole but will be forwarded to Saint Louis for the present and to Alton as soon as that place is fitted up for their reception. Arrangements will soon be effected for the exchange of prisoners and as we have many in the South it is important to retain all we have or may get to release ours with.

Prisoners who have been taken up for offenses justifying their arrest and who do not belong to organized companies if released should take the prescribed oath and give bonds with good and sufficient security for their faithful observance of the oath taken.

U. S. GRANT,
Brigadier-General, Commanding.

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* See Thompson to Halleck, December 2, 1861, p. 139.

CAPE GIRARDEAU, MO., *January 29, 1862.*

General GRANT, *Cairo:*

Captain Murdoch came in yesterday with twenty-five prisoners from Castor Creek. Major Herr, late of Jeff. Thompson's command, arrived last night with a flag of truce from Thompson to arrange for exchange of prisoners.

L. F. ROSS,
Colonel, Commanding.

HEADQUARTERS,
Cape Girardeau, January 30, 1862.

Brig. Gen. M. JEFF. THOMPSON.

GENERAL: In reply to yours of the 27th instant I desire to say that all matters pertaining to exchange of prisoners and the light in which the parties lately captured at Bloomfield and Dallas are to be regarded will be referred to the district commandant, Brigadier-General Grant.

I am, very truly, your obedient servant,

L. F. ROSS,
Colonel Seventeenth Illinois Volunteers, Commanding.

SAINT LOUIS, *January 31, 1862.*

Brig. Gen. U. S. GRANT, *Commanding, Cairo.*

GENERAL: You are authorized to exchange with the enemy any prisoners of war you may now have or may hereafter capture.

You may also inform General Polk that on releasing any of our prisoners he may have you will release an equal number, grade for grade, each party sending the released prisoners under a flag of truce to the lines of the other party.

When the same grade cannot be given it is proposed to give two of the grade next below, that is for one colonel give two lieutenant-colonels, or four majors, or eight captains, &c. This is the basis proposed by General Sterling Price and will be followed till some other rule shall be adopted.

Endeavor if possible to effect the exchange of Captain Prime and others at Nashville, Tenn. I have prisoners of war here to fill any cartel you may succeed in negotiating.

Where an exchange is made a full descriptive list must be forwarded to these headquarters giving name, rank, company, regiment and corps.

All prisoners of war not guilty of crimes against the laws of war will be supplied when necessary the same as our own soldiers and submitted to no more restraints than may be deemed necessary for their safe-keeping. Where guilty of crime they will not be exchanged but will be kept in custody.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, February 1, 1862.

Maj. Gen. L. POLK,
Commanding Confederate Forces, Columbus, Ky.

GENERAL: The bearer, Captain Elliott, of the U. S. Army, has just arrived from Pilot Knob, Mo., bearer of a proposal to exchange prisoners of war held by us for those taken by General Thompson at Big River bridge on the 15th of October last.

I also hold a number of prisoners belonging to General Thompson's command who I am willing to exchange on the same terms proposed by Colonel Carlin for any prisoners of the U. S. army held by the Confederacy.

I would respectfully request that if inconsistent with your rules to permit Captain Elliott to visit New Madrid you forward the proposal of Colonel Carlin to General Thompson and return his reply to Cairo by any means that may suit your pleasure.

Very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General.

HEADQUARTERS FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., February 2, 1862.

Brig. Gen. U. S. GRANT, U. S. Army.

GENERAL: On a former occasion I brought to your notice the fact that you were in possession of certain prisoners taken by your command at Paducah, eight in number, who I proposed to exchange for. They were taken while under the command of Captain Bowlen of the cavalry. There are other prisoners taken by you at Cheat Mountain now at Camp Chase belonging to the First Tennessee Regiment, and others, for whom I propose to exchange. The names of these men are found on the accompanying slip.* I propose also to exchange for as many surgeons of those taken at Mill Springs as I have of yours. These will make in all about twenty.

I propose in addition to these to exchange all the rest of your prisoners in my hands that were taken at Belmont for an equal number of ours, rank for rank.

I note what you say in your last communication with regard to prisoner Owens. I beg leave to say that this man's is no ordinary case; his character is such that I prefer not to return him for the present.

The arrangement for the delivery of young Groves you will remember was made more than a month before you desired the release of Owens; and Groves' surrender not being conditional on the surrender of Owens but the result of a disposition to reciprocate former courtesies—for example the paroling of Lieutenant Smith without a consideration—I do not feel I am called upon to release him on Groves' account.

I beg leave respectfully to refer you to Insp. Gen. E. D. Blake for the arrangement of the detail of the proposed exchange.

I am, general, very respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

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* Omitted.

HEADQUARTERS DISTRICT OF CAIRO,
On board Flag of Truce Boat, February 2, 1862.

Maj. Gen. L. POLK,
Commanding Confederate Forces, Columbus, Ky.:

Yours of this date borne by flag of truce is just received and contents noted.

The exchange asked for can be made on the following terms, to wit: rank for rank, grade for grade. In case of commissioned officers one of one grade will be considered worth two of the next inferior grade, one colonel being equal to two lieutenant-colonels, four majors, or eight captains, and so on down to the lowest grade. A different rule may be agreed upon hereafter but I am not prepared to offer any other at present.*

I will take the names of those asked for in your communication and will forward the names of those I would like to have in return soon. In case of exchanges if agreeable to you those released by us will be sent to your lines and our prisoners will be sent to the Federal lines at the most convenient point from where those prisoners may be.

I will take the earliest opportunity of informing you when the prisoners whose names are given can be sent.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., February 4, 1862.

General U. S. GRANT,
Commanding U. S. Troops at Cairo.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 1st instant in regard to the exchange of Captain Elliott and other prisoners taken by General Jeff. Thompson at Big River bridge on the 15th of October for an equal number of prisoners of war held by you.

It was not thought advisable to permit Captain Elliott to proceed to New Madrid and my answer has been delayed because I desired to consult with General Jeff. Thompson. Up to this time he has not been heard from.

But I will say that I shall be pleased to accept your propositions in behalf of Colonel Carlin upon the terms proposed in your note of the 2d instant.

I have the honor to be, general, your obedient servant,

L. POLK,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 6, 1862.

Brig. Gen. U. S. GRANT,
Commanding District of Cairo.

GENERAL: I am instructed by the major-general commanding to say that he approves of the agreement made by you and Major-General Polk for the exchange of Captain Elliott, Thirty-third Illinois Volun-

* See Halleck's instructions of January 31.

teers, and other prisoners taken by General Jeff. Thompson at the Big River bridge on the 15th of October for an equal number of prisoners of war held by you. I herewith inclose a copy of General Orders, No. 30,* current series, from these headquarters, with the requirements of which you will please comply at your earliest convenience.

I am, sir, very respectfully, your obedient servant,

N. H. McLEAN,
Assistant Adjutant-General.

HDQRS. FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
New Madrid, Mo., February 19, 1862.

Col. W. P. CARLIN, U. S. Army,
Commandant, Ironton, Mo.

COLONEL: Your favor of January 30† in relation to the exchange of Captain Elliott and others for those of my command held prisoners of war by the U. S. forces was but this day received I having been absent at Richmond.

I inclose herewith a general order releasing all captured on the Iron Mountain railroad from their parole, but must remind you that there were fifty-four enlisted men taken at the bridge and nine at Blackwell's Station.

General Polk deemed it expedient to exchange Captain Elliott for Captain Griffith who was in my service in Brown's battalion but whose term of service had expired and who is one of those whom I counted as simply citizens. This, however, disposed of Captain Elliott and therefore there are three lieutenants and sixty-three enlisted men to be exchanged for for whom you will please discharge such regular officers and soldiers of mine as you may have at Ironton and Saint Louis in the proper proportion of grades and can send the balance from Cape Girardeau and Bird's Point.

I am not at present to consider my disbanded and discharged men as soldiers and have written to General Halleck to know in what light he entertains them. So soon as I may hear from him I will make arrangements for their release.

I have no means at present of knowing how many U. S. soldiers are held in Arkansas but will learn in a few days and correspond with you in relation to them. I have some six or eight in confinement in Memphis whom I will also report to you in a few days.

I have been requested by the friends of various of the prisoners to effect their release in advance of others; but as I really believe that I am releasing far more than you have of mine I will not mention any of their names but request that you will send me a list of the names of those discharged by you so that if all are not embraced I can make other arrangements.

I am sorry that I did not see Captain Elliott as I expect he has the idea that most others have who have had the misfortune to be my prisoners, viz, that I am disposed to be a clever fellow.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

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* See p. 164, "Miscellaneous captures, etc.," for General Orders, No. 30.
† Not found.

CONFEDERATE CORRESPONDENCE.

HDQRS. FIRST MILITARY DISTRICT, MISSOURI STATE GUARD,
Camp Sikeston, August 13, 1861.

Brig. Gen. GIDEON J. PILLOW,
Commanding Army of Liberation, New Madrid, Mo.

DEAR SIR: * * * I have a number of prisoners (some twenty) who should be held as hostages if for no other purpose. Shall I send them to New Madrid where they can be used or to Bloomfield to the jail?

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Commanding.

HEADQUARTERS,
Camp Hunter, Sunday, September 1, 1861.

Brigadier-General PILLOW, C. S. Army, *New Madrid, Mo.*

GENERAL: Your dispatch of yesterday * to General Thompson just received has been opened by me in his absence on an expedition to Charleston. I expect his return this afternoon when he will attend to your instructions.

I congratulate you on the success of your negotiations for an exchange of prisoners.

I am, general, very respectfully, your obedient servant,

THOS. C. REYNOLDS,
Lieutenant-Governor of Missouri.

HEADQUARTERS FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., October 12, 1861.

Brig. Gen. G. J. PILLOW,
Commanding, &c., Columbus, Ky.

GENERAL: My adjutant informs me he has never received the statement of your proceedings on the occasion of your exchange of prisoners with the enemy.† It is proper that those papers should be on file in this division office. I desire also to know the principles established as the basis of future exchanges. Will you have a copy of those proceedings made out and sent to the adjutant-general as soon as practicable?

Respectfully, your obedient servant,

[L. POLK,]
Major-General, Commanding.

HEADQUARTERS FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., October 25, 1861.

General JOHNSTON, *Headquarters Bowling Green, Ky.*

GENERAL: * * * I send you letters from Thompson.‡ He seems to have had some successes but he is reported since these letters left him to have had a reverse in which he lost 800 men as prisoners and

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*Not found.

†Probably refers to the Pillow-Wallace agreement of September 3. See p. 509.

‡Omitted.

several pieces of cannon. This last intelligence was given us by the flag of truce sent me yesterday in answer to one from me some days before, proposing an exchange of prisoners. The flag was borne by Buford (N. B.), whom you recollect as my classmate at West Point from Kentucky. He is colonel of the Twenty-seventh Illinois Regiment. He was very cordial and talked freely of the war in general.

They released all they had left having released others before receiving my proposal and I released to him those in my camp. I do not credit the story in regard to Thompson as I have been informed since hearing it that he was advised of the approach of the force that was said to have defeated him. * * *

Respectfully, your obedient servant,

[L. POLK,]
Major-General, Commanding.

COLUMBUS, KY., *November 8, 1861.*

Adjutant-General COOPER:

I have a large number of wounded prisoners here without hospital conveniences for them. The enemy with flag of truce ask for them. Shall I give them? And on what terms shall I accept our wounded prisoners offered me?

L. POLK.

RICHMOND, *November 10, 1861.*

Maj. Gen. L. POLK:

Make full exchange if possible; if not exchange on equal terms.

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *November 11, 1861.*

Maj. Gen. L. POLK, *Columbus, Ky.:*

Exchange your prisoners on the best equal terms you can get. An unconditional exchange preferred. If you cannot exchange give up all that are seriously wounded after taking a strict parole.

J. P. BENJAMIN,
Acting Secretary of War.

COLUMBUS, *November 16, 1861.*

General JOHNSTON:

Your dispatch revoking order for Pillow's command received. I have exchanged prisoners under flag of truce with Grant giving him all his wounded for the whole of my wounded and well men leaving 100 still in my hands whom I have sent to Memphis for safe-keeping; all of my wounded gone to their homes or to hospitals in Memphis.

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L. POLK,
Major-General, Commanding.

MEMPHIS, *November 29, 1861.*

[General S. B. BUCKNER.]

DEAR GENERAL: Two surgeons were taken prisoners by our forces at Belmont who were pupils of mine in the University at Louisville, and I write to you to inquire if they could not be set at liberty. They seem to be worthy men and their liberation would in my opinion strengthen our cause in Southern Illinois where they both live. Their names are Gordon and Whitnell. I have thought you might speak to General Johnston on the subject of their release. Do you think, general, that surgeons ought to be treated as combatants? I wish these poor fellows could be sent home.

I am, with great regard, dear general, very faithfully your friend and obedient servant,

L. P. YANDELL.

HEADQUARTERS MISSOURI STATE GUARD,
December 9, 1861.

Col. D. H. ARMSTRONG,
Col. J. RICHARD BARRETT,
Col. ROBERT M. RENICK, or either of them,
Commissioners, Saint Louis, Mo.

GENTLEMEN: Major-General Price wishes you to negotiate the exchange of Capt. H. W. Salmon and Private James Clifton. Both are or were at Clifton. If you effect the exchange please procure them a safe conduct to these headquarters.

I am, gentlemen, respectfully, your obedient servant,

HENRY LITTLE,
Adjutant-General.

MEMPHIS, *December 14, 1861.*

General LEONIDAS POLK.

DEAR SIR: The undersigned before visiting your headquarters recently procured an interview with the Federal prisoners here who were taken at Belmont with a view to sound them as to the opinion of the people of the West relative to the free navigation of the Mississippi after the war is over. Whilst we found some of them advised of the action of the first meeting of the Confederate Congress others expressed themselves as having joined the army under the belief that the Union must be restored in order to their enjoying such free navigation.

We took the liberty of expressing to them the desire of some of our citizens to see them released on the score of humanity, and after explaining the views of the Government on the navigation question manifested our intention of speaking a good word for them on the score of release.

On our way to Columbus we consulted together and in a spirit of delicacy concluded to not at that time mention the subject to you. We now mention it only for your consideration knowing that you who have the whole question before you in all its bearings will be better able to judge of it. We only look at it in two points of view—the one the humanitarian, the other the effect that might be produced in the West by a proper representation of the navigation question.

We remain, very respectfully, your obedient servants,

W. B. MILLER.
J. A. NELSON.

HEADQUARTERS,
Memphis, Tenn., December 14, 1861.

Col. W. W. MACKALL, *Assistant Adjutant-General.*

COLONEL: I have the honor to report the departure on this day December 14 for Columbus, Ky., of ten Belmont prisoners selected by lot from the privates, to wit: H. T. Stein, Company A, W. W. Sapp, Company A, and W. E. Gregg, Company H, Seventh Iowa Volunteers; George W. Black, Company H, and B. Fannin, Company A, Thirty-first Illinois Volunteers; Henry Harrington, Twelfth Illinois Volunteers, Company B; Israel G. Heaps, Company B, A. Anderson, Company E, and Marcus Tankesley, Company B, Twenty-seventh Iowa [Illinois] Volunteers; the whole under command of Captain Begbie, of the Memphis Legion. These prisoners were sent in obedience to instructions from General Polk, commanding First Division, Western Department, with the purpose of exchange.

I am, colonel, very respectfully, your obedient servant,

JOHN ADAMS,
Captain, C. S. Army, Commanding.

SPECIAL ORDERS, No. 196. } HEADQUARTERS,
Memphis, December 14, 1861.

In compliance with instructions dated headquarters First Division, Western Department, December 11, 1861, Captain Begbie and ten non-commissioned officers and privates of Memphis Legion will proceed to Columbus, Ky., in charge of the ten Belmont prisoners selected by lot from the privates, to wit: H. T. Stein and W. W. Sapp, Company A, W. E. Gregg, Company H, Seventh Iowa; George W. Black, Company H, and B. Fannin, Company A, Thirty-first Illinois Volunteers; James Shaw, Company H, Thirtieth Illinois Volunteers; Henry Harrington, Company B, Twelfth Illinois Volunteers; Israel G. Heaps, Company B, A. Anderson, Company E, and Marcus Tankesley, Company B, Twenty-seventh Iowa [Illinois] Volunteers. Turn them over there subject to the orders of the general commanding. Having performed this duty Captain Begbie will report with his detachment at this place.

JOHN ADAMS,
Captain, C. S. Army, Commanding.

MEMPHIS, *December 16, 1861.*

Maj. Gen. LEONIDAS POLK, *Columbus, Ky.*

SIR: In obedience to orders from Capt. John Adams, commanding post, I send you herewith and in charge of E. A. Manning, esq., the Federal prisoner, Francis M. Smith (servant to General Grant).

Very respectfully, your obedient servant,

M. HAWKS,
Lieutenant, Commanding Prisoners' Guard.

NEW ORLEANS, *December 17, 1861.*

Maj. Gen. L. POLK,
Commanding First Division, Western Department.

DEAR SIR: Your two favors 29th of November and 1st of December to mother received. For your kindness please accept mother's and my thanks. Pardon me for again trespassing on your valuable time, but having read the inclosed slip regarding treatment of prisoners at Colum-

bus, Ohio, which exceeds in cruelty anything we have heard yet I take this liberty of bringing same to your notice hoping it may be in your power to [suggest] either by remonstrating or calling the attention of our Government at Richmond that some plan for the alleviation of the sufferings of those taken prisoners may be devised. Should my brother be successfully exchanged and his wound prevent his going into active service I am willing to go in his stead so soon as he can take charge of business. With many thanks for your kind interference in my brother's behalf,

I remain, very respectfully, your obedient servant,

J. R. GROVES.

[Inclosure.]

Federal treatment of prisoners—Horrible barbarities—Statement of a paroled prisoner.

MEMPHIS, TENN., *December 11, 1861.*

To the Avalanche:

Having made my escape from the Federal prison located near Columbus, Ohio, I deem it due to the 240 brave but unfortunate Southern men whom I left incarcerated there on the 29th of October last to make known to the South and to the world the suffering and indignities to which they are subjected by their inhuman jailers.

The Government prison to which I refer is at Camp Chase about four miles south of the city of Columbus, the capital of the State of Ohio. Brigadier-General Hill is the commander under the direction of Generals Mitchel and Rosecrans, the prison being used for the confinement of military and political prisoners for both Kentucky and Northwestern Virginia. It contains about half an acre of ground inclosed by a plank wall nearly twenty-five feet high, with towers on two sides. Inside of this inclosure are two rows of board shanties with five rooms (16 by 18 feet) in each. In these small rooms, each occupied by about twenty-five men, and in this contracted space the crowd of prisoners are compelled to cook, eat and sleep. Men of every class and grade are huddled together and all treated as felons.

It will be remembered that Columbus is in a very cold country. The winter winds blow fiercely from those Northern fresh-water lakes over the State of Ohio and Camp Chase prison receives its full share of the chilling blasts. Yet while I was prisoner there, including the month of October, when the weather was very rainy and cold, no fires were allowed in the prison to warm the half naked and shivering prisoners. Promises were made from time to time by the subordinate officers that the prison should be warmed either by stoves or by a steam-heating apparatus but up to the 29th day of October no steps had been taken looking to that end. To add to the discomfort of the poor prisoners the wretched shanties, their only shelter, leaked badly, keeping the floors, their only bed, and even their scanty bed clothing soaked with water. The fear was entertained by the prisoners generally and constantly expressed that it was the intention that they should perish from the effects of cold and damp. This treatment of human beings by those calling themselves Christians is unparalleled. Inhumanity and cruelty by the Lincoln Government toward those in its power is a policy which has been suggested by many of its allies to put down the rebellion.

The prisoners sometimes remain in this wretched prison weeks before they receive even a blanket which when they get it would hardly have been sufficient for their comfort in summer let alone in a Northern October. The consequence of this severe exposure was that most of the prisoners were sick from affections of the lungs and throat and a number died while I was there, while many were perishing by inches coughing away their lungs; and many were suffering from pneumonia, measles and other diseases. It may seem incredible that this body of sick and suffering men including a considerable number of prisoners of war were left through that damp, cold and horrible October without fire and half naked in that wretched mudhole of a prison and without adequate medical attention; and yet I assert it to be a fact and defy the contradiction of the Lincoln jailers and authorities.

A large number of old men from Western Virginia and Kentucky whose heads were white with the frosts of age were among the prisoners in this bastile charged with sympathizing with the cause of the South. Among them I mention the name of Colonel Hamilton, of Virginia, who was carried from the prison in a dying condition a few days before I left and I have learned since that he died soon afterward of pneumonia. A young man from Western Virginia died two hours after he was removed from prison. I will add in this connection that the prisoners of war who had been in the prison several months were almost naked and that all were engaged in a perpetual strife with the vermin with which the loathsome den literally swarmed.

The food furnished the prisoners with the exception of the bread was of the most inferior kind and in insufficient quantities for the sustenance of the famishing men. The pork was absolutely rotten. But the great complaint was the difficulty in obtaining enough wood to cook the half-spoiled and scanty meal, only five small sticks per day being allowed for a mess of twenty-five men and that often not furnished until away in the night, leaving the men starving for want of their scanty meals during the entire day.

I have visited the military prison in this city where the Belmont prisoners are confined and found them surrounded with every comfort—lodged in a large brick house well warmed, with good beds, provided with newspapers, books and writing materials, all of which were denied to the prisoners at Camp Chase. These Federal prisoners testified to me that they were well and civilly treated and expressed their abhorrence and regret at my recital of the treatment of our prisoners.

It is but justice to the ladies of Columbus to say that they offered to furnish comfortable beds and bedding for us but were denied the privilege by the commandant because he said it was not permitted by the orders. When these kind-hearted ladies visited us in our vile prison and beheld our wretched condition they involuntarily burst into tears. They gave us all they were permitted to bestow—their sympathy and tears.

Among the prisoners were, from Maysville, Ky., Hon. R. H. Stanton, Isaac Nelson, W. B. Casto, Mr. Thomas, John Hall, A. D. Hurt and George W. Forrester, proprietor and editor of the Maysville Express; also Lieut. A. O. Brummell of the Confederate army from Richmond, Va.; Colonel Ferguson and Henry Martin from Western Virginia and quite a number of other officers from that State who were in rags. I cannot here attempt to enumerate the names of other gentlemen.

Judge J. R. Curry, judge of the Harrison County court; Perry Wherret, clerk of the same court, and W. B. Glave, sheriff of the same county, and myself were arrested at Cynthiana its county seat. We

were first taken to Newport, Ky., barracks and there confined in the cells without even a blanket for twenty-four hours. We were then marched at night through the rain and mud to the Little Miami Railroad depot.

But the cars having left we were ordered to about face and marched four miles farther to the Hamilton and Dayton depot where we took the cars for Columbus. During the march Judge Curry who is over seventy years of age being much fatigued came near giving out, but the captain of the guard with oaths gave orders to drive him up and they punched and struck him in the most brutal manner with their guns, kicking him at the same time. W. B. Glave who owing to his feebleness was also unable to keep up, the pace being double-quick, was treated in the same savage manner. Our only offense was that we dissented from the measures of Lincoln.

I have given an unvarnished statement of facts which will be attested by my fellow-prisoners whenever they can be heard. I do not desire that the Federal prisoners shall be treated with less kindness; but I do desire that the Confederate Government shall take some action in behalf of its captive citizens that they may not be murdered by slow degrees in the bastiles of the North.

As the attention of the public has been directed by the press to my humble self I deem it proper to say something of the circumstances attending my escape from the Federal jailers. My wife being in delicate health was taken dangerously ill after my arrest from the effects of the shock, and hearing of her condition I determined if possible to get out to see her before her death. To effect this I wrote a letter feigning repentance which procured me a release on parole for ten days when I returned to Cynthiana to find that my wife had been buried four days. Considering that I was not bound by either law or honor to observe my parole having been dragged to Ohio for my political opinions in violation of the Constitutions of both the United States and Kentucky I embraced the opportunity to escape from my persecutors and after a very circuitous journey attended with many risks and perils I reached this city.

This much, Messrs. Editors, I have deemed proper to say for myself. I do not whine nor ask the sympathies of any one. I am loose from Yankee despotism and with my musket in one hand and the black flag of extermination to the foe in the other I intend to avenge my own and my country's wrongs; and if thoughts of a murdered wife and home made desolate do not nerve my arm to strength and execution I should be an ignoble son of Kentucky.

A. J. MOREY,
Editor of the Cynthiana, Ky., News.

HEADQUARTERS,
Memphis, December 17, 1861.

Maj. GEORGE WILLIAMSON,
Assistant Adjutant-General, C. S. Army.

MAJOR: I have the honor to report that in compliance with telegraphic dispatch from General Polk, C. S. Army, commanding, received at 12 o'clock at night General Grant's servant was forwarded by railroad this day to Columbus, Ky.

I am, major, very respectfully, your obedient servant,
JOHN ADAMS,
Captain, C. S. Army, Commanding.

MEMPHIS, TENN., *December 23, 1861.*

General L. POLK, *Columbus:*

Send Camp Jackson prisoners by cars. Will wait their arrival.

D. M. FROST.

COLUMBUS, KY., *December 28, 1861.*

Hon. J. P. BENJAMIN:

I have still on hand about ninety prisoners at Memphis. It is very expensive keeping them there and I am not sure they are as secure as they should be. Can they not be sent to some other point farther south—Jackson, Miss., or Tuscaloosa, Ala., or elsewhere?

L. POLK.

RICHMOND, VA., *December 30, 1861.*

General L. POLK, *Columbus, Ky.:*

You can send your prisoners to the prison depot at Salisbury, N. C.

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, January 28, 1862.

Captain LINDSAY, *Commanding, Nashville.*

SIR: General Johnston directs you to send under proper guard all prisoners of war in your charge (the sick and wounded excepted) to Salisbury, N. C. Notify the time of the arrival of the prisoners to the commandant of that place in advance.

I am, sir, very respectfully, your obedient servant,

W. W. MACKALL,
Assistant Adjutant-General.

RICHMOND, VA., *February 25, 1862.*

General L. POLK, *Columbus:*

Send all your prisoners home on parole taking an accurate list and copy of parole to be forwarded to this office. I have negotiated a general exchange with enemy.

J. P. BENJAMIN,
Secretary of War.

BOWLING GREEN, *January 29, 1862.*

Governor HARRIS, *Nashville:*

The wounded in the hands of the enemy are prisoners of war. I cannot ask for them except in exchange and this I am not prepared to do.

A. S. JOHNSTON,
General.

The Frémont-Price Exchange Convention, and Agreement to Discontinue Arrests for Political Opinions.

SPECIAL ORDERS, No. 57. } HEADQUARTERS CAMP OF INSTRUCTION, *Benton Barracks, near Saint Louis, Mo., October 13, 1861.*

At the instance of the parties and for the purpose of effecting the exchange of prisoners on parole Maj. Quin Morton, Maj. Henry W. Williams, Dr. W. L. Winer and D. Robert Barclay, esq., are authorized to visit the headquarters of Major-General Frémont to confer with him in relation to matters concerning the two belligerent armies of the West. The pickets and outposts will allow them to pass, avoiding all improper disclosures as to the strength and locality of forces but otherwise giving all facilities to their progress that may be necessary to their convenience.

By order of Brig. Gen. Samuel R. Curtis:

HENRY Z. CURTIS,
Acting Assistant Adjutant-General.

HEADQUARTERS WESTERN DEPARTMENT,
Warsaw, Mo., October 20, [21 ?] 1861.

General S. PRICE, *Commanding Missouri State Guard.*

SIR: Quin Morton, esq., who bears this to your headquarters is authorized to confer with you in reference to exchange of officers under plan approved by Major-General Frémont. It is proposed that the exchange shall be grade for grade, or two officers of a lower grade as an equivalent in rank for one of a higher as shall be thought just and equitable. Mr. Morton and the parties accompanying him are pledged as men of honor to make known to none what they may see or hear within your outposts. Mr. Morton is empowered by Major-General Frémont to arrange for the proposed exchanges, and his acts will have his approval.

Very respectfully, your obedient servant,

J. H. EATON,
Acting Assistant Adjutant-General.

HEADQUARTERS MISSOURI STATE GUARD,
Camp near Neosho, October 26, 1861.

Maj. Gen. JOHN C. FRÉMONT,
Commanding U. S. Forces in the Department of the West.

GENERAL: I am instructed by Major-General Price to acknowledge the receipt of Colonel Eaton's letter proposing an exchange of prisoners and empowering Mr. Quin Morton to act for you in the proposed exchange.

Major-General Price accedes to your proposal but directs me to say that although he protests against the legality of the parole administered to the officers and men captured at Camp Jackson in Saint Louis County on the 10th day of May, 1861, for the reason that they were not taken in battle or under such circumstances as would make them prisoners of war and for the further reason that the judiciary of the Government of the United States have themselves decided it to be

invalid, yet believing that the military authorities of the United States are as he thinks erringly determined to administer for its violation the punishment due for the infraction of a legal parole and to avoid a system of retaliation which, though just, yet in the fortunes of war may become so extended as to be painful of execution he consents to exchange such prisoners belonging to the U. S. Army as may be in his custody or on parole for prisoners taken at Camp Jackson and others as agreed upon by Mr. Morton.

Major-General Price also desires in the future operations of the two belligerent armies of the West that any prisoners taken on either side and released on parole may be exchanged whenever the party desiring such exchange shall make such desire known, with a list of the prisoners to be exchanged. In connection with the subject of exchanges Major-General Price proposes and urges upon Major-General Frémont the propriety of releasing on both sides all prisoners heretofore arrested for the expression of political opinions who may now be confined or released on parole and that in future the war be confined to and conducted exclusively by and between the armies in the field, thus relieving citizens and their homes from some of the horrors of civil war.

Maj. Henry W. Williams and D. Robert Barclay, esq., who bear this to your headquarters are hereby empowered to confer with you for the purpose of arranging terms of release of such citizens as may have been arrested and are now confined or released on parole and also to arrange for future exchanges of prisoners of war released on parole; and any agreement entered into by them in relation to such exchanges or releases will meet with the approval of Major-General Price. General Price further directs me to say that Colonel Mulligan having declined his parole he was obliged to hold him a prisoner in his camp where he has had opportunity of obtaining knowledge which it would not be prudent to have divulged to an enemy, and Major-General Frémont will see the propriety of the pledge exacted from him as a condition to his exchange.

Very respectfully, your obedient servant,

HENRY LITTLE,
Adjutant-General.

HEADQUARTERS WESTERN DEPARTMENT,
Springfield, Mo., October 30, 1861.

Maj. Gen. STERLING PRICE,
Commanding Missouri State Guard.

SIR: I am instructed by Major-General Frémont to acknowledge the receipt of your letter of the 26th instant through Adjutant-General Little indicating your approval of the plan of exchange of prisoners as submitted by Major Morton and others. The list is submitted herewith.* The pledge of Colonel Mulligan has also the approval of General Frémont and the names have been sent to Saint Louis to be carried into effect. I am directed by the general to say that he has accepted your proposition for empowering Major Williams and Mr. Barclay to arrange terms of release of citizens arrested and now confined or released on parole and for future exchange of prisoners, &c.

At this moment he has not time before your agent, Colonel Shands, shall leave to fully agree upon the plan nor for that of mitigating the

* List not found.

evil of war in respect to all citizens who shall quietly devote themselves to their proper avocations. He now as heretofore repeatedly expressed [signifies] his desire of avoiding the character of warfare to which you allude and will agree to take in no more home guards so-called but only such as are of the character of regular troops enlisted for the war and who will be subject to orders and can be restrained from all marauding.

These matters will be further entertained when the gentlemen you have named shall have completed their present business in Saint Louis.

I am, general, very respectfully, your obedient servant,

J. H. EATON,
Acting Assistant Adjutant-General.

NEAR SPRINGFIELD, *October 30, 1861.*

Col. J. H. EATON.

SIR: It will be necessary in order to avoid annoyance and delay in my return to headquarters of Major-General Price that the safe-conduct sent to you by myself should be returned to me. Your attention to the matter will oblige,

Very respectfully,

EDWD. W. SHANDS,
Colonel, Missouri State Guard.

NEAR SPRINGFIELD, *November 1, 1861.*

Maj. Gen. J. C. FRÉMONT,
Commanding U. S. Forces, Springfield.

SIR: On Tuesday last I came to your encampment as envoy of Maj. Gen. Sterling Price, Missouri State Guard, with instructions to receive your reply to General Price's communication and return with the same without unnecessary delay. A communication to General Price as well as a safe-conduct for myself without your lines was delivered to me on Wednesday evening by Col. J. H. Eaton, acting assistant adjutant-general. Since that period I have been detained at Colonel Carr's headquarters and no reasons assigned therefor. If you have no further message to General Price it is my duty as well as my desire to return immediately to his headquarters and I respectfully request that I may be permitted to do so.

Very respectfully, your obedient servant,

EDWD. W. SHANDS,
Colonel and Aide-de-Camp, Missouri State Guard.

SPRINGFIELD, MO., *November 2, 1861.*

Maj. Gen. STERLING PRICE,
Commanding Missouri State Guard.

GENERAL: In reference to my letter addressed to you on the 20th ultimo and in furtherance of the suggestion and proposition intended to institute a plan for suppressing the irregular and reprehensible character of warfare now prevalent in this State I am directed by Major-General Frémont to submit the accompanying memorandum* proclamation to your attention. Major-General Frémont instructs me to say that he is ready to affix his signature to this as it stands and to

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* See p. 558 for this proclamation.

enter to the best of his authority and ability upon the obligations which it imposes. Should you also assent please convey such information to these headquarters as will enable General Frémont to interchange with you the assumption of this agreement and of the obligations.

Very respectfully,

J. H. EATON,
Acting Assistant Adjutant-General.

SPRINGFIELD, MO., *November 2, 1861.*

Maj. Gen. STERLING PRICE,
Commanding Missouri State Guard in the Field.

GENERAL: We have the honor to report that we arrived at General Frémont's headquarters at this place on the 29th ultimo and delivered your communication to the general. On the 31st we were informed that your proposition met the concurrence and approval of General Frémont but that time would not admit of the closing of a definite agreement and that the whole matter would be transferred to Saint Louis to be there consummated. A letter to this effect was written and we understood that Colonel Shands had been dispatched with it to your headquarters. We were not allowed to hold communication with Colonel Shands and supposed that he left this camp on the 31st. Late last evening we were informed that he was still detained in camp, and this morning we sent to Colonel Eaton a note of which a copy (marked A) is herewith inclosed. We have not yet received a reply but we are advised from private sources that both Colonel Shands and ourselves are detained here in the expectation that an agreement in accordance with your suggestions may be closed here without the delay which will attend its transfer to Saint Louis.

Since writing the foregoing we have been handed the paper (marked B) herewith inclosed, accompanied with information that General Frémont prefers an immediate exchange of the persons therein named to releasing them upon parole. We have therefore in virtue of the authority conferred upon us by your communication to General Frémont dated October 26, 1861, agreed to an exchange of the persons named in said paper, they being prisoners taken at this place on Friday, October 25, 1861, by the U. S. troops. The paper (marked C) accompanying this is one of the original agreements entered into in triplicate in relation to said exchange.

11.30 o'clock.—We have just received a summons to a conference at headquarters and are informed in relation to Colonel Shands that he leaves to-day at 12 o'clock.

4.30 o'clock.—The papers which were yesterday taken under advisement by General Frémont have been approved and signed by him and we have the copies and the signature of the same on our part. One of the three originals is herewith inclosed (marked D).

Colonel Shands having left General Frémont will dispatch a special messenger to your camp who will be the bearer of this, and will also convey to you for your own proper signature a copy signed by General Frémont of the proclamation embodied in our articles of agreement. You will find General Frémont's proper signature to the proclamation embodied in said paper (marked E) herewith sent.

Trusting that our action in the premises may meet your approval we remain, with the highest respect, your obedient servants,

HENRY W. WILLIAMS.
D. ROBT. BARCLAY.

[Inclosures.]

A.

SPRINGFIELD, MO., *November 2, 1861.*

Col. J. H. EATON.

DEAR SIR: Having been informed that Col. E. W. Shands of the Missouri State Guard, the envoy of Major-General Price who accompanied us for the purpose of bearing to General Price the result of our negotiations with General Frémont had been dispatched on the 31st ultimo by General Frémont with his letter to General Price we were not a little surprised to learn last evening from Major Morton that Colonel Shands is still detained at this place. Will you have the goodness to inform us at your earliest convenience as to the position Colonel Shands occupies and the instructions of Major-General Frémont in reference to him?

With the highest respect, we remain, your obedient servants,

HENRY W. WILLIAMS.
D. ROBT. BARCLAY.

B.

SPRINGFIELD, MO., *November 1, 1861.*

General J. C. FRÉMONT.

SIR: We, the undersigned officers in the Seventh Division of Missouri State Guard, wish to be put upon our parole until an exchange of prisoners can be made.

JOHN H. PRICE,
Lieutenant-Colonel Second Infantry.
R. M. PATTERSON,
First Lieutenant Company A, Second Cavalry.
H. E. KELLEY,
Second Lieutenant Company D, First Cavalry.
JOSEPH CAVIN,
Second Lieutenant Company C, Third Infantry.

C.

Agreement for Exchange of Prisoners.

Maj. Gen. John C. Frémont, commanding U. S. forces in Missouri, acting in person, and Maj. Gen. Sterling Price, commanding Missouri State Guard, represented by Maj. Henry W. Williams and D. Robert Barclay, esq., duly authorized thereto by communication from Major-General Price to Major-General Frémont dated at headquarters Missouri State Guard, camp near Neosho, October 26, 1861, have agreed upon an exchange of prisoners as follows:

I. The prisoners released being all commissioned officers shall be furnished with a certificate of release from confinement or parole as the case may be and of safe-conduct to the headquarters of their respective armies or of their divisions, with their usual side-arms, camp equipage and property.

II. Lieut. Col. John H. Price, Third Infantry, Seventh Division Missouri State Guard, taken prisoner at Springfield and now under arrest,

is hereby exchanged for Maj. David P. Jenkins, First Illinois Cavalry, taken at Lexington, and Capt. J. B. Smith, of First Illinois Cavalry, taken at Lexington, and both released on parole.

First Lieut. R. M. Patterson, Company A, Second Cavalry, Seventh Division Missouri State Guard, taken at Springfield and now under arrest, is hereby exchanged for First Lieut. William White, Company C, First Missouri Cavalry, taken at Springfield on the 25th of October, 1861, and now under arrest.

Second Lieut. H. E. Kelley, Company D, First Cavalry, Seventh Division Missouri State Guard, taken at Springfield and now under arrest, is hereby exchanged for Second Lieut. John H. Daley, Company A, Twenty-third Illinois, taken at Lexington and released on parole.

Second Lieut. Joseph Cavin, Company C, Third Infantry, Seventh Division Missouri State Guard, taken at Springfield and now under arrest, is hereby exchanged for Second Lieut. R. C. Bradshaw, Company A, Thirteenth Missouri, taken at Lexington and released on parole.

This done at Springfield, Mo., this 2d day of November, 1861.

By order of Major-General Frémont:

J. H. EATON,
Acting Assistant Adjutant-General.

STERLING PRICE,
Major-General,
By HENRY W. WILLIAMS,
D. ROBT. BARCLAY,
Commissioners.

D.

Whereas, Maj. Gen. John C. Frémont, commanding the U. S. forces in Missouri, by letter dated Warsaw, October 21, 1861, authorized Quin Morton, esq., to confer with Maj. Gen. Sterling Price, commanding the Missouri State Guard, in reference to exchange of prisoners; and whereas, General Price has agreed with said Morton upon terms of such exchange as follows, to wit:

First. The exchange shall be effected grade for grade, or two officers of a lower grade as an equivalent in rank for one of a higher grade; the exchange to embrace prisoners on parole as also those held in custody.

Second. The parties released both officers and privates shall be furnished with a certificate of release and of safe conduct to the headquarters of their respective armies or of their division, the officers with their usual side-arms, camp equipage and property and the privates with their personal property.

Third. The prisoners taken by the U. S. forces at Camp Jackson in Saint Louis County on the 10th day of May, 1861, are embraced in this exchange with the express understanding that General Price reiterates the protest* of the officers and men then made against the legality of their capture and the exaction of parole when released.

Fourth. Brig. Gen. Samuel R. Curtis or the officer commanding at Benton Barracks in Saint Louis County is hereby authorized and required to issue the certificates above referred to to the officers and privates of the State forces herein named and also to such other officers

* See p. 111 for Frost's protest and p. 114 for the parole given by Frost's officers, embodying a protest against its exactions.

and non-commissioned officers and privates taken prisoners at Camp Jackson to the number of 530 as may be named to him by Col. David H. Armstrong, Col. Samuel B. Churchill, Col. J. Richard Barrett and D. Robert Barclay, esq., or either of them, and the said Col. David H. Armstrong, Col. Samuel B. Churchill, Col. J. Richard Barrett and D. Robert Barclay, esq., or either of them are hereby authorized and required to issue such certificates to the U. S. officers and privates herein named and also to such other officers, non-commissioned officers and privates taken prisoners at Lexington, Mo., to the number of 530 as may be named to them or either of them by Quin Morton, esq., or such other person as may be named in his place or stead by the commanding officer at Benton Barracks aforesaid.

Fifth. The persons herein named for exchange not connected with the military shall be furnished as hereinbefore provided with certificates of safe conduct to their respective homes:

Now therefore in pursuance of the foregoing stipulations it is hereby agreed by and between Quin Morton, esq., acting for and in behalf of Maj. Gen. John C. Frémont and Maj. Gen. Sterling Price that exchanges be made as follows, to wit:

Brig. Gen. Daniel M. Frost, First Military District, Missouri Volunteer Militia, for Col. James A. Mulligan, of the Twenty-third Illinois Volunteers, acting at Lexington as brigadier-general.

Col. John S. Bowen, Second Regiment Missouri Volunteer Militia, for Col. Everett Peabody, Thirteenth Regiment Missouri Volunteers.

Maj. R. S. Voorhis, judge-advocate and assistant adjutant-general, First Brigade, Missouri Volunteer Militia, First Military District, for Maj. Charles E. Moore, Twenty-third Illinois Regiment.

Maj. Henry W. Williams, quartermaster, First Brigade, First Military District, Missouri Volunteer Militia, for Maj. Robert T. Van Horn, Kansas City Battalion.

Maj. N. Wall, commissary, First Brigade, First Military District, Missouri Volunteer Militia, and Capt. William C. Buchanan, adjutant, First Regiment, First Military District, Missouri Volunteer Militia, for Lieut. Col. James Quirk, Twenty-third Illinois Regiment.

Maj. John J. Anderson, paymaster, First Brigade, First Military District, Missouri Volunteer Militia, and Maj. James R. Shaler, Second Regiment, First Military District, Missouri Volunteer Militia, for Col. Robert White, Fourteenth Regiment Missouri Volunteers.

Maj. Clark Kennerly, Southwest Battalion Missouri Volunteer Militia, for Capt. M. Gleason, and Capt. Robert Adams, of Twenty-third Illinois Regiment.

Capt. Alex. J. P. Garesché, judge-advocate, First Regiment Missouri Volunteer Militia, for Capt. S. A. Simison, Company D, Twenty-third Illinois Regiment.

Capt. Martin Burke, Company A, First Regiment Missouri Volunteer Militia, for Capt. D. P. Moriarty, Company F, Twenty-third Illinois Regiment.

Capt. Philip Coyne, Company D, First Regiment Missouri Volunteer Militia, for Capt. Charles Coffey, Company H, Twenty-third Illinois Regiment.

Capt. William H. Frazier, Company F, First Regiment Missouri Volunteer Militia, for Capt. James J. Fitzgerald, Company I, Twenty-third Illinois Regiment.

Capt. George W. Wert, Company G, First Regiment Missouri Volunteer Militia, for Capt. Daniel Quirk, Company K, Twenty-third Illinois Regiment.

Capt. George W. Thatcher, Company H, First Regiment Missouri Volunteer Militia, for Capt. F. C. Nichols, Company A, Thirteenth Missouri Regiment.

Capt. B. Newton Hart, Company I, First Regiment Missouri Volunteer Militia, for Capt. Joseph Schmitz, Company B, Thirteenth Missouri Regiment.

Capt. Charles Longueman, Company K, Missouri Volunteer Militia, for Capt. J. W. Robinson, Company C, Thirteenth Missouri Regiment.

Capt. Arthur J. Magenis, quartermaster, Second Regiment Missouri Volunteer Militia, for Capt. E. C. Thomas, Company D, Thirteenth Missouri Regiment.

Capt. William B. Hazeltine, Engineer Corps, Missouri Volunteer Militia, for Capt. S. S. Eveans, Company E, Thirteenth Missouri Regiment.

Capt. Hugh A. Garland, Company F, Missouri Volunteer Militia, Second Regiment, for Capt. George B. Hoge, Company F, Thirteenth Missouri Regiment.

Capt. J. T. Shackleford, Company H, Second Regiment Missouri Volunteer Militia, for Capt. H. Dill, Company H, Thirteenth Missouri Regiment.

Capt. James George, Company —, Second Regiment Missouri Volunteer Militia, for Capt. G. H. Rumbaugh, Company C, of cavalry attached to Thirteenth Missouri Regiment.

Capt. Overton W. Barret, Company B, Missouri Volunteer Militia, Second Regiment, for Capt. Richard Ridgell, Company [D], Fourteenth Missouri Regiment.

Capt. Radford, of Radford's battery, for Capt. G. M. Mitchell, First Illinois Cavalry.

First Lieut. E. F. Byrne, Company D, First Regiment Missouri Volunteer Militia, for First Lieut. James F. Cosgrove, adjutant, Twenty-third Illinois.

First Lieut. Stephen McBride, Company F, First Regiment Missouri Volunteer Militia, for First Lieut. L. Collins, Company F, Twenty-third Illinois.

First Lieut. John M. Hennessey, Company H, First Regiment Missouri Volunteer Militia, for First Lieut. T. Hickey, Company H, Twenty-third Illinois Regiment.

First Lieut. Thomas Keith, Company I, First Regiment Missouri Volunteer Militia, for First Lieut. James H. Lane, Company K, Twenty-third Illinois Regiment.

First Lieut. Louis T. Kretschmar, Company K, First Regiment Missouri Volunteer Militia, for First Lieut. John H. Millar, Company D, Kansas City Battalion.

First Lieut. William H. Finny, Engineer Corps, Second Regiment Missouri Volunteer Militia, for First Lieut. C. A. Wade, Company C, Thirteenth Missouri Regiment.

First Lieut. R. B. Clark, Company H, Second Regiment Missouri Volunteer Militia, for First Lieut. W. H. P. Norris, Company D, Thirteenth Missouri Regiment.

First Lieut. J. M. Douglas, Company C, Second Regiment Missouri Volunteer Militia, and First Lieut. John Vaughan, of Colonel Elliott's Missouri State Guard, for Capt. F. L. Parker, Company K, of Colonel Eads' regiment.

First Lieut. R. H. Harrington, Company E, Second Regiment Missouri Volunteer Militia, for First Lieut. W. Perkins, Company E, Thirteenth Missouri Regiment.

First Lieut. P. R. Hutchinson, Company G, Second Regiment Missouri Volunteer Militia, for First Lieut. S. M. Penfield, Company H, Thirteenth Missouri Regiment.

First Lieut. J. S. Burdett, Company H, Second Regiment Missouri Volunteer Militia, for First Lieut. O. P. Newberry, Company I, Thirteenth Missouri Regiment.

First Lieut. David Walker, Company I, Second Regiment Missouri Volunteer Militia, for First Lieut. Fred. Klingler, Company C, Kansas City Battalion.

First Lieutenant Miller, Radford's battery, for First Lieut. William S. Marshall, First Illinois Cavalry.

First Lieut. Henry Guibor, Missouri Light Battery, for First Lieut. I. Skillman, First Illinois Cavalry.

Second Lieut. Henry B. Belt, Company A, First Regiment Missouri Volunteer Militia, for Second Lieut. Edward S. Murray, Company B, Twenty-third Illinois Regiment.

Second Lieut. John Henderson, Company F, First Regiment Missouri Volunteer Militia, for Second Lieut. E. P. Trego, Company —, Fourteenth Missouri Volunteers.

Second Lieut. William M. Mooney, Company H, First Regiment Missouri Volunteer Militia, for Second Lieut. Thomas Hogen, Company [D], Fourteenth Missouri.

Second Lieut. Robert Finney, Company I, First Regiment Missouri Volunteer Militia, for Second Lieut. P. J. McDermott, Company A, Twenty-third Illinois.

Second Lieut. A. W. Hopton, Company K, First Regiment Missouri Volunteer Militia, for Second Lieut. P. O'Kane, Company F, Twenty-third Illinois.

Second Lieut. Charles Perrine, Engineer Corps, Second Regiment Missouri Volunteer Militia, for Second Lieutenant Wallace, Company G, Twenty-third Illinois.

Second Lieut. A. C. Howard, Company C, Second Regiment Missouri Volunteer Militia, for Second Lieut. J. B. Hawley, Company F, Thirteenth Missouri.

Second Lieut. Henry Jenkins, Company D, Second Regiment Missouri Volunteer Militia, for Second Lieut. Owen Cunningham, Company K, Twenty-third Illinois.

Second Lieut. Alton Long, jr., Company E, Second Regiment Missouri Volunteer Militia, for Second Lieut. James E. Hudson, Company D, Twenty-third Illinois.

Second Lieut. Joseph Dean, Company H, Second Regiment Missouri Volunteer Militia, for Second Lieut. D. C. S. Kelley, Company G, Twenty-third Illinois.

Second Lieut. ——— Morton, Radford's battery, Missouri Volunteer Militia, for Second Lieut. C. W. Graff, Company —, Thirteenth Missouri.

Second Lieut. W. P. Barlow, Missouri Light Battery, for Second Lieut. H. Fette, Fourteenth Missouri.

Second Lieut. Ed. Blennerhassett, Company B, Second Regiment Missouri Volunteer Militia, for Second Lieut. P. Higgins, Company C, Twenty-third Illinois.

Third Lieut. James Shields, Company D, First Regiment Missouri Volunteer Militia, for Lieut. Edwin Moore, Company C, Sixteenth Missouri.

Third Lieut. John Bullock, Company H, First Regiment Missouri Volunteer Militia, for Lieut. George F. Tannant, Company [A], First Illinois Cavalry.

Third Lieut. J. J. Leduc, First Regiment Missouri Volunteer Militia, for Lieut. William A. Murray, First Illinois Cavalry.

Third Lieut. John M. Gilkerson, Engineer Corps, Second Regiment Missouri Volunteer Militia, for Lieut. Albert Rayburn, First Illinois Cavalry.

Third Lieut. J. V. Smith, Company C, Second Regiment Missouri Volunteer Militia, for Lieut. Morgan Blair, First Illinois Cavalry.

Third Lieut. R. M. Duffy, Company D, Second Regiment Missouri Volunteer Militia, for Lieut. James B. Dent, First Illinois Cavalry.

Third Lieut. W. C. Potter, Company F, Second Regiment Missouri Volunteer Militia, for Lieut. John C. Parks, First Illinois Cavalry.

Third Lieut. Andrew J. Hum, Company G, Second Regiment Missouri Volunteer Militia, for Lieut. S. L. M. Proctor, First Illinois Cavalry.

Third Lieut. D. F. Samuel, Company H, Second Regiment Missouri Volunteer Militia, for Lieut. Casper Yost, First Illinois Cavalry.

Third Lieut. Charles E. Southard, Company I, Second Regiment Missouri Volunteer Militia, for Lieut. P. S. Whitaker, attached to Twenty-third Illinois.

Third Lieutenant Ryan, Radford's battery, Missouri Volunteer Militia, for Lieut. Neal Bohanan, Fourteenth Missouri.

Third Lieut. ——— McGill, of S. W. Battalion, for Lieut. Charles Rippin, Company E, Fourteenth Missouri.

Private Henry N. Rosser, for Stuart S. Allen, Company K, Twenty-third Illinois.

Private Michael McCarty, for John Gilman, Company C, Twenty-third Illinois.

Orderly Sergt. W. A. Davison, Radford's battery, for P. McGinnis, Company I, Twenty-third Illinois.

Sergeant Murphy, of Radford's battery, for S. H. Tourtellotte, Company D, Twenty-third Illinois.

Sergeant Fox, of Radford's battery, for Louis Yates, Company E, Twenty-third Illinois.

Sergeant Ryan, of Radford's battery, for James Quinn, Company A, Twenty-third Illinois.

Capt. Samuel Whiting, of Missouri State Guard, and Capt. William F. Bond, of Missouri State Guard, Adair County, for Lieut. Col. H. M. Day, First Illinois Cavalry.

Capt. H. A. Parmalee, taken at Camp Jackson, for Capt. Henry Emde, Company E, Fourteenth Missouri.

Capt. J. Thomas Whitfield, arrested in Jackson County, for Capt. John McNulta, First Illinois Cavalry.

Captain Caldwell, arrested in Lewis County, for Capt. W. Applegate, Grover's command.

The names of the privates to be exchanged are to be furnished without delay at Saint Louis; those taken at Camp Jackson to Brigadier-General Curtis or the commanding officer at Benton Barracks, and those taken at Lexington to Col. D. H. Armstrong or some other of his associates named in this agreement and the certificates hereinbefore referred to are to be issued according to the lists so furnished without delay.

Should the names of any of the officers or non-commissioned officers taken at Camp Jackson be omitted in the foregoing list and Col. D. H. Armstrong or either of his associates desire their exchange Brigadier-General Curtis or the officer commanding at Benton Barracks will on

application make such exchange for any officer or non-commissioned officer captured by the State forces according to rank as hereinbefore stipulated.

This done and agreed to at Neosho, Mo., this 26th day of October, 1861.

QUIN MORTON,
Acting in behalf of and by authority of
Maj. Gen. J. C. Frémont, Commanding U. S. Forces.

STERLING PRICE,
Major-General, Commanding Missouri State Guard.

E.

HEADQUARTERS WESTERN DEPARTMENT,
Springfield, Mo., November 7, 1861.

Whereas, Maj. Gen. Sterling Price, commanding the Missouri State Guard, by letter dated at his headquarters, near Neosho, Mo., October 26, 1861, has expressed a desire to enter into some arrangement with Maj. Gen. John C. Frémont, commanding the forces of the United States, to facilitate the future exchange of prisoners of war released on parole; also that all persons heretofore arrested for the mere expression of political opinions may be released from confinement or parole; also that in future the war be confined exclusively to the armies in the field, and has authorized and empowered Maj. Henry W. Williams and D. Robert Barclay, esq., to enter into such an arrangement in his behalf; and

Whereas, Maj. Gen. John C. Frémont concurs with Major-General Price:

Now therefore it is hereby stipulated and agreed by and between Maj. Gen. John C. Frémont and Maj. Gen. Sterling Price as follows, to wit:

First. A joint proclamation shall be issued signed by Major-General Frémont and Major-General Price in proper person in the following language, to wit:

PROCLAMATION.

TO ALL PEACEABLY-DISPOSED CITIZENS OF THE STATE OF MISSOURI, GREETING:

Whereas, a solemn agreement has been entered into by and between Major-Generals Frémont and Price, respectively commanding antagonistic forces in the State of Missouri, to the effect that in the future arrests or forcible interference by armed or unarmed parties of citizens within the limits of said State for the mere entertainment or expression of political opinions shall hereafter cease; that families now broken up for such causes may be reunited, and that the war now progressing shall be exclusively confined to armies in the field;

Therefore be it known to all whom it may concern.

I. No arrests whatever on account of political opinions or for the merely private expression of the same shall hereafter be made within the limits of the State of Missouri, and all persons who may have been arrested and are now held to answer upon such charges only shall be forthwith released; but it is expressly declared that nothing in this proclamation shall be construed to bar or interfere with any of the usual and regular proceedings of the established courts under statutes and orders made and provided for such offenses.

II. All peaceably disposed citizens who may have been driven from their homes because of their political opinions or who may have left them from fear of force and violence are hereby advised and permitted to return upon the faith of our positive assurances that while so returning they shall receive protection from both the armies in the field wherever it can be given.

III. All bodies of armed men acting without the authority or recognition of the major-generals before named and not legitimately connected with the armies in the field are hereby ordered at once to disband.

IV. Any violation of either of the foregoing articles shall subject the offender to the penalty of military law according to the nature of the offense.

In testimony whereof the aforesaid Maj. Gen. John Charles Frémont, at Springfield, Mo., on this 1st day of November, A. D. 1861, and Maj. Gen. Sterling Price, at Cassville, Mo., on this 5th day of November, A. D. 1861, have hereunto set their hands and hereby mutually pledge their earnest efforts to the enforcement of the above articles of agreement according to their full tenor and effect to the best of their ability.

J. C. FRÉMONT,
Major-General, Commanding.
STERLING PRICE,
Major-General, Commanding.

Second. Brig. Gen. Samuel R. Curtis or the officer in command at Benton Barracks is hereby authorized and empowered to represent Major-General Frémont, and Col. D. H. Armstrong, Col. J. Richard Barrett and Col. Robert M. Renick or either of them are hereby authorized and empowered to represent Major-General Price, and the parties so named are hereby authorized whenever applied to for that purpose to negotiate for the exchange of any and all persons who may hereafter be taken prisoners of war and released upon parole; such exchange to be made upon the plan heretofore approved and acted upon, to wit: Grade for grade or two officers of lower grade as an equivalent in rank for one of a higher grade as shall be thought just and equitable.

This done and agreed at Springfield, Mo., this 1st day of November, 1861.

By order of Major-General Frémont:

J. H. EATON,
Acting Assistant Adjutant-General.

STERLING PRICE,
Major-General.
By HENRY W. WILLIAMS,
D. ROBT. BARCLAY,
Commissioners.

HEADQUARTERS MISSOURI STATE GUARD,
Cassville, Mo., November 5 1861.

Approved.
By order of Major-General Price:

HENRY LITTLE,
Adjutant-General.

HEADQUARTERS MISSOURI STATE GUARD,
Cassville, Mo., November 5, 1861.

Maj. Gen. JOHN C. FRÉMONT,
Commanding U. S. Forces, Springfield, Mo.

GENERAL: I am instructed by Major-General Price to acknowledge the receipt of Assistant Adjutant-General Eaton's letter of November 2 inclosing a proclamation drawn up in accordance with the propositions submitted in my letter of the 26th of October. Major-General Price directs me to say that he receives your assent to his propositions with much satisfaction, and the agreement and provisions set forth in the proposed mutual proclamation fully meets his approbation. He has filled up and signed both copies of said proclamation received from Assistant Adjutant-General Eaton, one of which is retained for publication and distribution and the other herewith inclosed to you for a like purpose. Major-General Price also approves of the agreement entered into on his part by Messrs. Williams and Barclay and herewith returns the original document retaining a copy of the same.

I am, general, very respectfully, your obedient servant,
HENRY LITTLE,
Adjutant-General.

HEADQUARTERS MISSOURI STATE GUARD,
Camp near Cassville, November 5, 1861.

HENRY W. WILLIAMS,
D. ROBERT BARCLAY,
Commissioners.

GENTLEMEN: Herewith I inclose you a list* of prisoners in the hands of the U. S. authorities. Major-General Price wishes you to effect their exchange.

I am, gentlemen, respectfully, your obedient servant,
HENRY LITTLE,
Adjutant-General.

HEADQUARTERS WESTERN DEPARTMENT,
Springfield, Mo., November 7, 1861.

Brigadier-General THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: Inclosed you will find copies of certain negotiations† carried on between Maj. Gen. J. C. Frémont of the first part and Maj. Gen. Sterling Price of the second having for objects, first, to make arrangements for the exchange of prisoners; second, to prevent arrests or forcible interference in future "for the mere entertainment or expression of political opinions;" third, to insure that "the war now progressing shall be confined exclusively to armies in the field," and, fourth, the immediate disbandment of "all bodies of armed men acting without the authority or recognition of the major-generals named and not legitimately connected with the armies in the field."

You will also find inclosed a copy of my letter of this date dispatched under a flag of truce to General Price stating that "I can in no manner recognize the agreement aforesaid or any of its provisions whether

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* List omitted.
† Omitted here. Refers to preceding papers.

implied or direct, and that I can neither issue nor allow to be issued the 'joint proclamation' purporting to have been signed by Generals Price and Frémont on the 1st day of November, A. D. 1861."

It would be in my judgment impolitic in the highest degree to have ratified General Frémont's negotiations for the following amongst many other obvious reasons: The second stipulation if acceded to would render the enforcement of martial law in Missouri or in any part of it impossible, and would give absolute liberty to the propagandists of treason throughout the length and breadth of the State; the third stipulation confining operations exclusively "to armies in the field" would practically annul the confiscation act passed during the last session of Congress, and would furnish perfect immunity to those disbanded soldiers of Price's command who have now returned to their homes but with the intention and under a pledge of rejoining the rebel forces whenever called upon, and, lastly, because the fourth stipulation would blot out of existence the loyal men of the Missouri home guard, who have not it is alleged been recognized by act of Congress and who it would be claimed are therefore "not legitimately connected with the armies in the field."

There are many more objections quite as powerful and obvious which might be urged against ratifying this agreement; its address "to all peaceably-disposed citizens of the State of Missouri" fairly allowing the inference to be drawn that citizens of the United States, the loyal and true men of Missouri, are not included within its benefits. In fact the agreement would seem to me if ratified a concession of all the principles for which the rebel leaders are contending and a practical liberation for use in other and more immediately important localities of all their forces now kept employed in this portion of the State.

I have the honor to be, general, very respectfully, your most obedient servant,

D. HUNTER,
Major-General, Commanding.

[Inclosure.]

HEADQUARTERS WESTERN DEPARTMENT,
Springfield, Mo., November 7, 1861.

Maj. Gen. STERLING PRICE,
Commanding Forces at Cassville, Mo.

GENERAL: Referring to an agreement purporting to have been made between Major-Generals Frémont and Price, respectively commanding antagonistic forces in the State of Missouri, to the effect that in future arrests or forcible interference by armed or unarmed parties of citizens within the limits of said State for the mere entertainment or expression of political opinions shall hereafter cease, that families now broken up for such causes may be reunited, and that the war now progressing shall be exclusively confined to armies in the field, I have to state that as general commanding the forces of the United States in this department I can in no manner recognize the agreement aforesaid or any of its provisions whether implied or direct, and that I can neither issue nor allow to be issued the "joint proclamation" purporting to have been signed by yourself and Maj. Gen. John C. Frémont on the "1st day of November, A. D. 1861."

Very respectfully, your obedient servant,

D. HUNTER,
Major-General, Commanding.

GENERAL ORDERS, No. 4. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, November 22, 1861.*

I. Prisoners of war duly exchanged in accordance with the terms of an agreement made between Maj. Gen. J. C. Frémont and Maj. Gen. Sterling Price on the 26th of October, 1861, and having a pass or safe-conduct from Brig. Gen. S. R. Curtis will after proper examination be passed through our lines according to the safe-conduct so given. The persons and baggage of such exchanged prisoners will be subject to examination at any post, camp or outpost. So far as possible such persons will be sent away in squads under an escort.

II. The term property or private property used in such passes will not be construed to include any arms—except the usual side-arms of officers—ammunition, medicines or sealed papers, and all open papers will be strictly examined.

By order of Major-General Halleck:

WILLIAM McMICHAEL,
Assistant Adjutant-General.

GENERAL ORDERS, No. 10. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, November 26, 1861.*

No prisoner of war exchanged in accordance with the terms of the agreement made between Generals Frémont and Price on the 26th of October, 1861, who at the time of such exchange was within the enemy's lines will on any pretense be permitted to come within our lines in this department, and any one so returning will be immediately arrested and placed under guard. All such prisoners so found within our lines without a proper permission from these headquarters will be immediately arrested. No prisoner of war so exchanged will be permitted to leave Saint Louis without escort; and all officers having such prisoners in charge will report to these headquarters for instructions.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

UNION POLICY OF REPRESSION IN MARYLAND.

SUMMARY OF PRINCIPAL EVENTS.

Apr. 20–26, 1861.—Burning of the railroad bridges by order of the mayor, to prevent the passage of Union troops through Baltimore.

27, 1861.—Lieut. Gen. Winfield Scott, U. S. Army, announces the suspension of the writ of habeas corpus, by direction of President Lincoln.

May 16, 1861.—The General-in-Chief empowers Bvt. Maj. Gen. George Cadwalader, U. S. Army, to arrest persons under certain circumstances.

26, 1861.—Chief Justice Roger B. Taney, of the U. S. Supreme Court, issues a writ of habeas corpus. His opinion in the matter of Prisoner John Merryman.

June 24, 1861.—Maj. Gen. Nathaniel P. Banks, U. S. Army, is directed to "quietly seize" the Baltimore Police Commissioners.

27, 1861.—Arrest of George P. Kane, Marshal of Police of Baltimore.

July 1, 1861.—Maj. Gen. Nathaniel P. Banks, U. S. Army, reports the arrest of the Baltimore Police Commissioners. His proclamation to the people of Baltimore.

29, 1861.—The Baltimore Police Commissioners from their prison memorialize Congress for redress.

Aug. 1–12, 1861.—Police Commissioner Charles Howard addresses Secretary Simon Cameron and General Scott, protesting against alleged harsh treatment of the political prisoners in Fort Lafayette.

31, 1861.—Hon. Montgomery Blair recommends that certain Baltimore newspapers be suppressed.

Sept. 12, 1861.—Maj. Gen. George B. McClellan, U. S. Army, after conference with the President and Secretary of War, orders the arrest of disloyal members of the Maryland Legislature.

20, 1861.—The prisoners are sent to Fort Lafayette. Governor Thomas H. Hicks, of Maryland, indorses the act of arrest.

30, 1861.—Ex-Marshal George P. Kane, from Fort Lafayette, writes to President Lincoln calling attention to his treatment.

Nov. 1, 1861.—Maj. Gen. John A. Dix's proclamation of his determination to protect the ballot box.

12, 1861.—Governor Hicks protests against the release of obnoxious members of the Maryland Legislature.

Dec. 10, 1861.—The House Judiciary Committee reports back the police commissioners' memorial, and asks to be discharged from its further consideration.

Nov. 29, 1862.—Ex-Marshal George P. Kane, of Baltimore, after seventeen months' imprisonment, arrives in Baltimore, and denounces Secretary of State William H. Seward in a newspaper card.

NOTE.—For additional correspondence, etc., relating to miscellaneous political arrests and the treatment of suspected and disloyal persons, North and South, during the early days of the rebellion, see Volume II, this Series.—COMPILER.

The Threatened Outbreak in Maryland—Political Arrests and the Causes Therefor.

[For contemporaneous records covering military events in Maryland, including the Baltimore riots, the occupation of that city by the Union troops under General Butler, and the re-opening of communications between Washington and the North, see Series I, Vol. II.]

WASHINGTON, *April 18, 1861.*

His Excellency THOMAS H. HICKS,
Governor of Maryland.

SIR: The President is informed that threats are made and measures taken by unlawful combinations of misguided citizens of Maryland to prevent by force the transit of U. S. troops across Maryland on their way pursuant to orders to the defense of this capital. The information is from such sources and in such shape that the President thinks it his duty to make it known to you so that all loyal and patriotic citizens of your State may be warned in time and that you may be prepared to take immediate and effective measures against it.

Such an attempt could have only the most deplorable consequences; and it would be as agreeable to the President as it would be to yourself that it should be prevented or overcome by the loyal authorities and citizens of Maryland rather than averted by any other means.

I am, very respectfully, yours, &c.,

SIMON CAMERON,
Secretary of War.

BALTIMORE, *April 19, 1861.*

[The PRESIDENT.]

SIR: This will be presented to you by the Hon. H. Lennox Bond, George W. Dobbin and John C. Brune, esqs., who will proceed to Washington by an express train at my request in order to explain fully the fearful condition of affairs in this city. The people are exasperated to the highest degree by the passage of troops and the citizens are universally decided in the opinion that no more should be ordered to come.

The authorities of the city did their best to-day to protect both strangers and citizens and to prevent any collision but in vain; and but for their great efforts a fearful slaughter would have occurred.

Under these circumstances it is my solemn duty to inform you that it is not possible for more soldiers to pass through Baltimore unless they fight their way at every step.

I therefore hope and trust and most earnestly request that no more troops be permitted or ordered by the Government to pass through the city. If they should attempt it the responsibility for the blood shed will not rest upon me.

With great respect, your obedient servant,

GEO. WM. BROWN,
Mayor.

[Appended to the foregoing.]

His Excellency ABRAHAM LINCOLN,
President of the United States:

I have been in Baltimore since Tuesday evening last and co-operated with Mayoı G. W. Brown in his untiring efforts to allay and prevent the excitement and suppress the fearful outbreak as indicated above and I fully concur in all that is said by him in the above communication.

Very respectfully, your obedient servant,

THOMAS H. HICKS,
Governor of Maryland.

STATE OF MARYLAND, EXECUTIVE CHAMBER,
Annapolis, April 20, 1861.

Hon. S. CAMERON.

SIR: Since I saw you in Washington last I have been in Baltimore City laboring in conjunction with the mayor of that city to preserve peace and order but I regret to say with little success. Up to yesterday there appeared promise but the outbreak came; the turbulent passions of the riotous element prevailed; fear for safety became reality; what they had endeavored to conceal but what was known to us was no longer concealed but made manifest; the rebellious element* had the control of things. * * * They took possession of the armories, have the arms and ammunition, and I therefore think it prudent to decline (for the present) responding affirmatively to the requisition made by President Lincoln for four regiments of infantry.

With great respect, I am, your obedient servant,

THOS. H. HICKS.

WASHINGTON, *April 20, 1861.*

Governor HICKS:

I desire to consult with you and the mayor of Baltimore relative to preserving the peace of Maryland. Please come immediately by special train which you can take at Baltimore; or if necessary one can be sent from hence. Answer forthwith.

LINCOLN.

BALTIMORE, *Saturday, April 20, 1861—10 o'clock.*

[General SCOTT.]

MY DEAR GENERAL: There has been no arrival from the North. Some one or more bridges have been destroyed; where it is not known; telegraph interrupted. Warford has sent by horses along the road to find where the trouble is. * * * Depend upon it a vigorous and efficient plan of action must be decided on and carried out or we will have to give up the capital.

The communication with the South is perfect both by railroad and telegraph and we must have the same or we are gone. No arrivals

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*For reports of the attack of the mob on the U. S. troops passing through Baltimore April 19, 1861, here alluded to by Governor Hicks, see Series I, Vol. II, pp. 7-21.

from Philadelphia or New York and no information. Rumor says the bridge across the Gunpowder is destroyed and also a bridge some six or eight miles out of the city. * * * Let there be prompt action. * * *

Yours, truly,

D. WILMOT.

SATURDAY, *April 20, 1861—11 o'clock.*

[General SCOTT:]

Have just heard that the bridges between Ashland and Cockeysville and two or three nearer town are burned. Will advise the forces in Philadelphia and such as may be at Harrisburg to come upon this road as far as they can and protect the balance of the road and protect while temporarily repairing the bridges or so much as is necessary—the balance to come in force and well armed to within three miles of Baltimore and cross over to Washington [branch], and if in our possession as it should be to proceed by rail to Washington; if not to march by forced marches to Washington. * * *

Yours,

D. WILMOT.

HAGERSTOWN, *April 22, 1861.*

Governor T. H. HICKS, *Annapolis:*

Virginia troops searching houses in Maryland on Saturday near Harper's Ferry for arms. I appealed to General Harper, commander, to recall them which he promised if Northern troops are forbidden. What is to be done with Southern? What steps shall I take?

EDWARD M. MOBLEY,
Sheriff of Washington County.

PHILADELPHIA, *April 23, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: Since I wrote my last of this date I have been informed that the Baltimoreans and Marylanders have destroyed the whole of the bridges on the Northern Central. This seems to have been a mere spite action and must convince the Government that those loyal to the Government in Maryland are in a vast minority. As soon as the capital is safe from attack it seems to me that the Government should at once turn on Baltimore and place it under martial law and require that it should pay all damages to the railroads it has destroyed and to their business.

* * * * * * *

Yours, truly,

J. EDGAR THOMSON,
President Pennsylvania Central Railroad.

HDQRS. THIRD BRIGADE, MASSACHUSETTS VOL. MILITIA,
Annapolis, Md., April 23, 1861.

His Excellency THOMAS H. HICKS,
Governor of the State of Maryland:

* * * * * * *

I have understood within the last hour that some apprehensions were entertained of an insurrection of the negro population of this neighborhood. I am anxious to convince all classes of persons that the forces under my command are not here in any way to interfere with or countenance any interference with the laws of the State. I am therefore ready to co-operate with your Excellency in suppressing most promptly and effectively any insurrection against the laws of Maryland.

I beg therefore that you announce publicly that any portion of the forces under my command is at your Excellency's disposal to act immediately for the preservation and quietness of the peace of this community.

And I have the honor to be, your Excellency's obedient servant,
B. F. BUTLER,
General of the Third Brigade.

THIRD BRIGADE, U. S. MILITIA,
Annapolis, Md., April 23, 1861.

His Excellency THOMAS H. HICKS,
Governor of Maryland:

You are credibly informed that I have taken possession of the Annapolis and Elk Ridge Railroad. * * * If the government of the State had taken possession of the railroad in any emergency I should have long waited before I entered upon it. But as I had the honor to inform your Excellency in regard to the insurrection against the laws of Maryland I am here armed to maintain those laws if your Excellency desires and the peace of the United States against all disorderly persons whatever. I am endeavoring to save and not to destroy; to obtain means of transportation so I can vacate the capital prior to the sitting of the Legislature and not be under the painful necessity of occupying your beautiful city while the Legislature is in session.

I have the honor to be, your Excellency's obedient servant,
B. F. BUTLER,
Brigadier-General.

HEADQUARTERS OF THE ARMY,
Washington, April 27, 1861.

The undersigned, General-in-Chief of the Army, has received from the President of the United States the following communication:

COMMANDING GENERAL ARMY OF THE UNITED STATES:

You are engaged in repressing an insurrection against the laws of the United States. If at any point on or in the vicinity of the military line which is now used between the city of Philadelphia via Perryville, Annapolis City and Annapolis Junction you find resistance which renders it necessary to suspend the writ of habeas corpus for the public safety, you personally or through the officer in command at the point where resistance occurs are authorized to suspend that writ.

ABRAHAM LINCOLN.

In accordance with the foregoing warrant the undersigned devolves on Major-General Patterson, commanding the Department of Pennsylvania, Delaware and Maryland; Brigadier-General Butler, commanding the Department of Annapolis, and Colonel Mansfield, commanding the Washington Department, a like authority each within the limits of his command to execute in all proper cases the instructions of the President.

WINFIELD SCOTT.

DEPARTMENT OF ANNAPOLIS,
May 6, 1861.

Lieutenant-General SCOTT.

GENERAL: In obedience to your command, I have occupied the station at the Relay House, nine miles from Baltimore. * * *

An officer has been detailed to examine the trains and stop all armed men, arms and munitions of war. Before, however, we established a full surveillance of the trains a squad of some ten or twelve men from Baltimore passed up the road to join the traitors at Harper's Ferry.

* * * I learn that I am in the immediate neighborhood of the residence of Major-General Carroll, a gentleman who is most bitter in his hostility to the Government, who ordered out the troops [militia] under his command to oppose the passage of the U. S. troops across Baltimore. Two companies of cavalry alone responded to the call from this vicinity. They were commanded by Capt. William H. B. Dorsey and Capt. George R. Gaither, jr., both violent rebels who have more than once put themselves in a hostile attitude to the United States Government. They have conducted themselves with great violence and in fact are now in arms against the Union although nominally holding commissions from the governor of Maryland. Can anything be done with them? Might they not be arrested and at least restrained until we are certain what will be the disposition of Maryland? But this is a matter for your better judgment.

* * * * * * *

I trust my acts may meet your approbation whatever you may think of my suggestions.

Most truly, your obedient servant,

BENJ. F. BUTLER,
Brigadier-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, May 7, 1861.

Brig. Gen. B. F. BUTLER,
Commanding, &c., Relay House.

GENERAL: The general-in-chief directs me to acknowledge the receipt of your letter of the 6th instant and to say in reply that in regard to the arresting of persons who commit acts of hostility to the Government you are clothed with the same authority which has been conferred upon him and he has confidence in your discreet exercise of it.

In relation to the surveillance of trains passing into Virginia the general approves it.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

FREDERICK, *May 8, 1861.*

COMMANDING OFFICER, *Relay House:*

We are threatened with an invasion from Baltimore conjoined with traitors in our midst. We expect upward of 100 men from Baltimore to-night and their friends are preparing to meet them here. Send us 500 men by first train with power to arrest and disarm. Answer immediately.

M. NELSON,
Judge of Court of Frederick County.

Extract from report of Baltimore Police Commissioners of events the day following the Riot in Baltimore.

* * * The board were equally unanimous in their judgment that as good citizens it was their duty to the city and to the State of Maryland to adopt any measures whatsoever that might be necessary at such a juncture to prevent the immediate arrival in the city of further bodies of troops from the Eastern or Northern States, though the object of the latter might be solely to pass through the city. It was suggested that the most feasible if not the most practicable mode of thus stopping for a time the approach of such troops would be to obstruct the Philadelphia, Wilmington and Baltimore and the Northern Central Railroads by disabling some of the bridges on both roads. His honor the mayor stated to the board that his excellency the governor with whom he had a few minutes before been in consultation in the presence of several citizens concurred in these views; they were likewise those of the board and instructions were given for carrying them into effect. This was accordingly done. The injury thus done on the railroads amounted to but a few thousand dollars on each; subsequently as has been stated further and greater damage was done to other structures on the roads by parties in the country or others, but this was without the sanction or authority of the board and they have no accurate information on the subject.

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CHARLES HOWARD,
President.

Extract from report of the Mayor of Baltimore.

[BALTIMORE, *May 9 (?), 1861.*]

TO THE HONORABLE THE GENERAL ASSEMBLY OF MARYLAND:

In the report recently made to your honorable body by the board of police commissioners of the city of Baltimore it is stated that in the great emergency which existed in this city on the 19th ultimo it was suggested that the most feasible if not the only practicable mode of stopping for a time the approach of troops to Baltimore was to obstruct the Philadelphia, Wilmington and Baltimore and the Northern Central Railroads by disabling some of the bridges on both roads; and it is added that "his honor the mayor stated to the board that his excellency the governor with whom he had a few minutes before been in consultation in the presence of several citizens concurred in these views."

As this concurrence has since been explicitly denied by his excellency Governor Hicks in an official communication addressed to the

Senate of Maryland on the 4th instant which I have just seen, it is due to myself that I should lay before you the grounds on which the statement was made to the board of police on which they as well as myself acted. I seriously regret that so grave a misunderstanding exists between the governor and myself on so important a subject.

On the evening of the 19th ultimo and after the collision had taken place I mentioned to Governor Hicks that I had begun to fear it might be necessary to burn the railroad bridges, but I did not then in consequence of intelligence which had been received think it would be; to which he replied that he had no authority to give such an order.

* * * * * * *

At about 12 p. m. the Hon. E. Louis Lowe and Marshal George P. Kane called at my house where Governor Hicks was passing the night and Marshal Kane informed me that a telegram had been received that other troops were to come to Baltimore over the Northern Central Railroad. There was also a report that troops were on their way who it was thought might even then be at Perryville on their way to Baltimore. Mr. Lowe, Marshal Kane, my brother, John Cumming Brown, and myself went immediately to the chamber of Governor Hicks and laid the matter before him. The point was pressed that if troops were suddenly to come to Baltimore with a determination to pass through a terrible collision and bloodshed would take place and the consequences to Baltimore would be fearful and that the only way to avert the calamity was to destroy the bridges. To this the governor replied, "It seems to be necessary," or words to that effect.

He was then asked by me whether he gave his consent to the destruction of the bridges and he distinctly although apparently with great reluctance replied in the affirmative. I do not assert that I have given the precise language used by Governor Hicks but I am very clear that I have stated it with substantial correctness and that his assent was unequivocal and in answer to a question by me which elicited a distinct affirmative reply.

After this but before the interview was over two gentlemen came into the room both of them strangers to me but one was introduced as the brother of Governor Hicks and I am confident that the assent of the governor to the burning of the bridges was repeated in the presence of those gentlemen.

I went immediately from the chamber of the governor to the office of the marshal of police where Charles Howard, esq., the president of the board of police, was waiting and reported to him the assent of the governor to the destruction of the bridges.

Mr. Howard or some one else made a further inquiry as to what had been said by the governor whereupon Mr. Lowe, Marshal Kane and my brother, John C. Brown, all declared that they were present at the interview and heard Governor Hicks give his assent.

The order to destroy the bridges was accordingly given and carried out in the manner already reported to your honorable body.

I refer to the accompanying statements of Colonel Kane and Mr. J. C. Brown* in confirmation of the correctness of my recollection of what occurred at the interview with Governor Hicks.

With great respect, your obedient servant,

GEO. WM. BROWN,
Mayor.

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* Statements omitted. Both confirm the mayor's version. See Series I, Vol. II, pp. 11-15.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Federal Hill, Baltimore, May 15, 1861.

Lieutenant-General SCOTT:

* * * Thus the carrying off of some 400 or 500 stand of arms was accomplished by the police under the direction of the board of police. I found certain other arms being shipped apparently for improper purposes to a place called Snow Hill. I have sent out and brought in forty minie rifles. The remaining arms stored opposite the custom-house amounting to 2,700 stand I have caused to be seized and sent to Fort McHenry. I have caused Mr. Ross Winans to be arrested and sent to Annapolis; but for greater safety as I have no place of confinement save a jail I shall cause him to be removed to Fort McHenry, there to await the action of the civil authorities unless otherwise ordered. I have found several manufactories of arms, supplies and munitions of war for the rebels who are being constantly supplied from the city.

* * * * * * *

I have issued a proclamation a copy of which I inclose* and which I trust you will approve. It became necessary in my judgment in order to set right the thousand conflicting stories and rumors of the intentions of the Government as to Baltimore which were taken advantage of by the mob to incite insubordination and encourage a spirit of insurrection, and which showed itself upon our taking possession of the Government arms but was instantly suppressed upon a show of force.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Brigadier-General, Commanding.

HEADQUARTERS,
Fort McHenry, Md., May 16, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters of the Army, Washington, D. C.

COLONEL: I have the honor to report for the information of the lieutenant-general commanding the army that by direction of Brig. Gen. B. F. Butler, commanding the Department of Annapolis, I yesterday received as a prisoner for safe-keeping Mr. Ross Winans of the city of Baltimore, charged with treason against the United States.

Very respectfully, your obedient servant,
W. W. MORRIS,
Major Fourth Artillery, Commanding.

WASHINGTON, *May 16, 1861.*

Bvt. Maj. Gen. G. CADWALADER, U. S. Army,
Commanding Department of Annapolis, Baltimore, Md.

SIR: I have already by the direction of the general-in-chief addressed to you a letter and a telegram of yesterday's date and have received your acknowledgment of the letter. Herewith you will receive a power† to arrest persons under certain circumstances and to hold them prisoners though they should be demanded by writs of habeas corpus.

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* Omitted here. See Series I, Vol. II, p. 30.
† Not found. But see closing paragraph of Cadwalader's answer, following.

This is a high and delicate trust and as you cannot fail to perceive to be executed with judgment and discretion. Nevertheless in times of civil strife errors if any should be on the side of safety to the country. This is the language of the general-in-chief himself, who desires an early report from you on the subject of the number of troops deemed necessary for your department.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

P. S.—The lieutenant-general desires me to add that he has just been instructed by highest authority to cause Mr. Ross Winans, of Baltimore, now a military prisoner at Fort McHenry to be liberated on condition of his written parole to this effect: "I solemnly give my parole of honor that I will not openly or covertly commit any act of hostility against the Government of the United States pending existing troubles or hostilities between the said Government and the Southern seceded States or any one of them."

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Baltimore, May 16, 1861.

Lieut. Col. E. D. TOWNSEND,
Assistant Adjutant-General.

SIR: * * * On receipt of your letter which gave me the first official [information] I had that Mr. Ross Winans was a military prisoner at Fort McHenry I sent an officer to read to him the condition of the written parole upon acceptance of which I was instructed to liberate him. The result was that Mr. Winans signed the parole and was immediately liberated. I inclose the parole* duly signed and witnessed.

* * * * * * *

The power to arrest persons under such circumstances and to hold them prisoners though they should be demanded by writs of habeas corpus is certainly a high and delicate trust. I will use every effort to execute it if necessary with prudence and discretion and with the best judgment I am capable of giving to the subject. As a matter of caution I would merely state that I did not receive any further power to arrest persons under circumstances than that which is contained in your letter of this date, as your letter seems to imply that I was to receive a power with instructions to accompany the letter. Awaiting your orders either by letter or telegraph,

I am, very respectfully, yours,

GEO. CADWALADER,
Brevet Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Philadelphia, Pa., May 21, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters of the Army.

COLONEL: In the absence of General Patterson I forward the accompanying report of the capture of parties engaged in the burning of bridges. I suggested to Colonel Dare that he should ascertain if the

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* See p. 689.

civil authorities in the district where the offense was committed would take cognizance of these cases and hold the men by bail to appear in the future. If they would do so to turn them over, first (as I understand they are responsible persons) requiring them to take oath to commit no act of hostility against the United States. If the civil authorities will receive these men I think the effect of offering them will be a happy one.

I am, colonel, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant-General.

[Inclosure.]

HEADQUARTERS CAMP SUSQUEHANNA,
Perryville, Md., May 19, 1861.

Maj. F. J. PORTER,
Assistant Adjutant-General.

MAJOR: I have the honor to report that last evening signal rockets were reported in direction of Aberdeen. I immediately proceeded to Havre de Grace (Lieutenant-Colonel Birney being absent) and finding they were not according to code agreed upon considered no re-enforcement necessary. I proceeded to Aberdeen to ascertain why the rockets had been fired and at that post they were reported as having been seen in the direction of Perrymansville. Taking a guard to that point I found all quiet.

Information having been given in relation to Capt. Benedict H. Kean, in command of Spesutia Rangers, William B. Michael and Thomas Wilson, Captain Hofmann, of Company E, First Regiment, Philadelphia City Guards, arrested them, the first as in command of forces hostile to United States and the two latter-named gentlemen as being engaged in destruction of bridges. The arrests were made quietly and every consideration shown to the gentlemen detained. They were taken to Perryville and lodged at my quarters. From representations made by Captain Kean and by other parties the Spesutia Rangers have not been engaged or intending to engage against the Government. His action in opposing the destruction of the bridges as represented by credible parties induced his release on parole of honor to appear if wanted. The others I believe to have been engaged in destruction of bridges and that the evidence will be ample to sustain the fact. I am now detaining them until I receive instructions from headquarters.

I have the honor to be, very respectfully, your obedient servant,

CHAS. P. DARE,
Commanding Post.

HDQRS. CO. E, FIRST REGT., PHILADELPHIA CITY GUARDS,
Bush River, Md., May 23, 1861.

Personally appeared before me in the service of the United States Alonzo Bowman, a resident of this place, who being duly sworn by me said that Benjamin Elliott, of Hall Cross Roads; Oliver Kenly, of Hall Cross Roads; Sidney Hall, near Perrymansville; Rush Dalam, of Perrymansville; Lewis Michael, of Bush River Neck; James Halloway, near Perrymansville; Augustus Hoffman, Perrymansville; Robert Smith, Sputer (Spesutia?); John Quin, Perrymansville; William Wilson, Perrymansville; William Michael and Eldridge Gallop, Perry-

mansville, were to his positive knowledge actively engaged in the destruction of the railroad bridge at this place on 26th day of April, A. D. 1861.

In evidence of the above he has signed his name hereto.

ALONZO BOWMAN.

HENRY SHAPLEY.
O. B. CROSSMAN.

J. W. HOFMANN,
Capt. Comdg. Company E, First Regt.
Philadelphia City Guards, 23d Regt. Pennsylvania Vols.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Baltimore, May 27, 1861.

Lieut. Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

COLONEL: On the 25th instant Mr. John Merryman was arrested near Cockeysville, to the northward of the city of Baltimore, by the order of Colonel Yohe acting under instructions from Maj. Gen. William H. Keim. I inclose a copy of the instructions given by Colonel Yohe to Captain Heckman under which the arrest was made and also a copy of the written statement made by Adjt. James Miltimore and Lieut. William H. Abel of the circumstances attending the arrest which was made on their arrival at Fort McHenry with the prisoner. You are aware that neither Colonel Yohe nor General Keim are within the limits of the department under my command. I do not know the address of Colonel Yohe. General Keim is I think in the neighborhood of Harrisburg.

I directed the officers named who brought the prisoner here to have more specific charges and specifications furnished against the accused with the names of witnesses by which it was expected to prove them and the nature of their testimony, which then it was my intention to forward to you for the instruction of the general-in-chief.

I regret to say that I have not as yet been furnished with this information. I was yesterday evening served with a writ of habeas corpus issued by the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States, commanding me to be and appear at the U. S. court-room in the city of Baltimore on Monday (this day), the 27th day of May, 1861, at 11 o'clock in the morning, and that I have with me the body of John Merryman of Baltimore County now in my custody, and that I certify and make known the day and cause of the capture and detention of the said John Merryman and that I do submit to and receive whatsoever the said court shall determine upon concerning me in this behalf.

I have the honor to inclose herewith a copy of said writ together with a copy of my reply thereto which will be handed to the court at 11 o'clock this day, the hour named in said writ.

Requesting to be furnished with further instructions as to the course I am to pursue in this case,

I have the honor to be, very respectfully, yours,

GEO. CADWALADER,
Brevet Major-General, Commanding.

[Inclosure No. 1.]

HEADQUARTERS,
May 21, 1861.

Captain HECKMAN, *Company D.*

SIR: I have been directed by Major-General Keim to seize the arms of the company near you and arrest the captain if in arms against the Government. You will be cautious in your movements and be well satisfied that the captain or any of them are spreading secession sentiments and using their influence in favor of the Southern Confederacy. By all means get the arms. Do not make it known until you are ready and be sure that you accomplish your purpose. If you think you need any assistance you can call upon Company E, at Cockeysville. If you arrest the captain take him to General Cadwalader's department. Do not be precipitate. Act coolly and deliberately but determinedly.

Yours, &c.,

SAM'L YOHE,
Colonel First Regiment Pennsylvania Volunteers.

[Inclosure No. 2.]

This is to certify that Mr. John Merryman was arrested by orders of Colonel Yohe as first lieutenant of a secession company who have in their possession arms belonging to the United States Government for the purpose of using the same against the Government. The prisoner acknowledged being lieutenant of said company in the presence of Adjutant Miltimore, of First Regiment of Pennsylvania Volunteers, and Lieutenant Abel, Company D, First Regiment. It can also be proven that the prisoner has been drilling with his company and has uttered and advanced secession doctrines. The prisoner was arrested on the morning of May 25 at his residence about two miles from Cockeysville.

JAMES MILTIMORE, *Adjutant,*
WILLIAM H. ABEL, *Lieutenant,*
First Regiment Pennsylvania Volunteers.

[Inclosure No. 3.]

THE UNITED STATES OF AMERICA,
District of Maryland, to wit:

TO GEORGE CADWALADER, GREETING:

You are hereby commanded to be and appear before the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States, at the U. S. court room in the Masonic Hall in the city of Baltimore on Monday, the 27th day of May, 1861, at 11 o'clock in the morning, and that you have with you the body of John Merryman, of Baltimore County, and now in your custody, and that you certify and make known the day and cause of the capture and detention of the said John Merryman, and that you then and there do submit to and receive whatsoever the said court shall determine upon concerning you in this behalf according to law, and have you then and there this writ.

Witness, the Hon. R. B. Taney, Chief Justice of our Supreme Court, the first Monday in December, in the year of our Lord 1861.

[SEAL.] THOS. SPICER,
Circuit Clerk.

[Inclosure No. 4.]

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Fort McHenry, May 26, 1861.

Hon. ROGER B. TANEY,
Chief Justice of the Supreme Court of the United States,
Baltimore, Md.

SIR: The undersigned to whom the annexed writ of this date signed by Thomas Spicer, clerk of the Supreme Court of the United States, is directed most respectfully states that the arrest of Mr. John Merryman in the said writ named was not made with his knowledge or by his order or direction but was made by Col. Samuel Yohe acting under the orders of Maj. Gen. William H. Keim, both of said officers being in the military service of the United States but not within the limits of his command. The prisoner was brought to this post on the 25th instant by Adjt. James Miltimore and Lieut. William H. Abel by order of Colonel Yohe, and is charged with various acts of treason and with being publicly associated with and holding a commission as lieutenant in a company having in their possession arms belonging to the United States and avowing his purpose of armed hostility against the Government. He is also informed that it can be clearly established that the prisoner has made open and unreserved declarations of his association with this organized force; as being in avowed hostility to the Government and in readiness to co-operate with those engaged in the present rebellion against the Government of the United States.

He has further to inform you that he is duly authorized by the President of the United States in such cases to suspend the writ of habeas corpus for the public safety. This is a high and delicate trust and it has been enjoined upon him that it should be executed with judgment and discretion but he is nevertheless also instructed that in times of civil strife errors if any should be on the side of safety to the country. He most respectfully submits for your consideration that those who should co-operate in the present trying and painful position in which our country is placed should not by reason of any unnecessary want of confidence in each other increase our embarrassments. He therefore respectfully requests that you will postpone further action upon this case until he can receive instructions from the President of the United States when you shall hear further from him.

I have the honor to be, with high respect, your obedient servant,
GEO. CADWALADER,
Brevet Major-General, U. S. Army, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, May 28, 1861.

Bvt. Maj. Gen. G. CADWALADER, U. S. Army,
Comdg. Department of Annapolis, Baltimore, Md.

GENERAL: Your letter of the 27th instant with inclosures reporting the arrest of John Merryman and the issue by Chief Justice Taney of a writ of habeas corpus in his case has been received.

The general-in-chief directs me to say under authority conferred upon him by the President of the United States and fully transferred to you that you will hold in secure confinement all persons implicated in treasonable practices unless you should become satisfied that the arrest in any particular case was made without sufficient evidence of guilt.

In returns to writs of habeas corpus by whomsoever issued you will most respectfully decline for the time to produce the prisoners but will say that when the present unhappy difficulties are at an end you will duly respond to the writs in question.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

EX PARTE JOHN MERRYMAN.

Before the Chief Justice of the Supreme Court of the United States, at chambers.

The application in this case for a writ of habeas corpus is made to me under the fourteenth section of the judiciary act of 1789 which renders effectual for the citizen the constitutional privilege of the writ of habeas corpus. That act gives to the courts of the United States as well as to each justice of the Supreme Court and to every district judge power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment. The petition was presented to me at Washington under the impression that I would order the prisoner to be brought before me there, but as he was confined in Fort McHenry, at the city of Baltimore which is in my circuit, I resolved to hear it in the latter city, as obedience to the writ under such circumstances would not withdraw General Cadwalader who had him in charge from the limits of his military command.

The petition presents the following case: The petitioner resides in Maryland, in Baltimore County. While peaceably in his own house with his family, it was at 2 o'clock on the morning of the 25th of May, 1861, entered by an armed force professing to act under military orders. He was then compelled to rise from his bed, taken into custody and conveyed to Fort McHenry where he is imprisoned by the commanding officer without warrant from any lawful authority.

The commander of the fort, General George Cadwalader, by whom he is detained in confinement in his return to the writ does not deny any of the facts alleged in the petition. He states that the prisoner was arrested by order of General Keim, of Pennsylvania, and conducted as a prisoner to Fort McHenry by his order and placed in his (General Cadwalader's) custody to be there detained by him as a prisoner.

A copy of the warrant or order under which the prisoner was arrested was demanded by his counsel and refused. And it is not alleged in the return that any specific act constituting an offense against the laws of the United States has been charged against him upon oath; but he appears to have been arrested upon general charges of treason and rebellion without proof and without giving the names of the witnesses or specifying the acts which in the judgment of the military officer constituted these crimes. And having the prisoner thus in custody upon these vague and unsupported accusations he refuses to obey the writ of habeas corpus upon the ground that he is duly authorized by the President to suspend it.

The case then is simply this: A military officer residing in Pennsylvania issues an order to arrest a citizen of Maryland upon vague and indefinite charges without any proof so far as appears. Under this order his house is entered in the night; he is seized as a prisoner and

conveyed to Fort McHenry and there kept in close confinement. And when a [writ of] habeas corpus is served on the commanding officer requiring him to produce the prisoner before a justice of the Supreme Court in order that he may examine into the legality of the imprisonment the answer of the officer is that he is authorized by the President to suspend the writ of habeas corpus at his discretion, and in the exercise of that discretion suspends it in this case and on that ground refuses obedience to the writ.

As the case comes before me therefore I understand that the President not only claims the right to suspend the writ of habeas corpus himself at his discretion but to delegate that discretionary power to a military officer, and to leave it to him to determine whether he will or will not obey judicial process that may be served upon him.

No official notice has been given to the courts of justice or to the public by proclamation or otherwise that the President claimed this power and had exercised it in the manner stated in the return. And I certainly listened to it with some surprise for I had supposed it to be one of those points of constitutional law upon which there was no difference of opinion and that it was admitted on all hands that the privilege of the writ could not be suspended except by act of Congress.

When the conspiracy of which Aaron Burr was the head became so formidable and was so extensively ramified as to justify in Mr. Jefferson's opinion the suspension of the writ he claimed on his part no power to suspend it but communicated his opinion to Congress with all the proofs in his possession, in order that Congress might exercise its discretion upon the subject and determine whether the public safety required it. And in the debate which took place upon the subject no one suggested that Mr. Jefferson might exercise the power himself if in his opinion the public safety demanded it.

Having therefore regarded the question as too plain and too well settled to be open to dispute if the commanding officer had stated that upon his own responsibility and in the exercise of his own discretion he refused obedience to the writ I should have contented myself with referring to the clause in the Constitution and to the construction it received from every jurist and statesman of that day when the case of Burr was before them. But being thus officially notified that the privilege of the writ has been suspended under the orders and by the authority of the President and believing as I do that the President has exercised a power which he does not possess under the Constitution a proper respect for the high office he fills requires me to state plainly and fully the grounds of my opinion, in order to show that I have not ventured to question the legality of his act without a careful and deliberate examination of the whole subject.

The clause in the Constitution which authorizes the suspension of the privilege of the writ of habeas corpus is in the ninth section of the first article.

This article is devoted to the legislative department of the United States and has not the slightest reference to the executive department. It begins by providing "that all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives." And after prescribing the manner in which these two branches of the legislative department shall be chosen it proceeds to enumerate specifically the legislative powers which it thereby grants and legislative powers which it expressly prohibits, and at the conclusion of this specification a clause is inserted giving Congress "the power to make all laws which

may be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or office thereof."

The power of legislation granted by this latter clause is by its wording carefully confined to the specific objects before enumerated. But as this limitation was unavoidably somewhat indefinite it was deemed necessary to guard more effectually certain great cardinal principles essential to the liberty of the citizen and to the rights and equality of the States by denying to Congress in express terms any power of legislation over them. It was apprehended it seems that such legislation might be attempted under the pretext that it was necessary and proper to carry into execution the powers granted; and it was determined that there should be no room to doubt where rights of such vital importance were concerned, and accordingly this clause is immediately followed by an enumeration of certain subjects to which the powers of legislation shall not extend; and the great importance which the framers of the Constitution attached to the privilege of the writ of habeas corpus to protect the liberty of the citizen is proved by the fact that its suspension except in cases of invasion and rebellion is first in the list of prohibited powers; and even in these cases the power is denied and its exercise prohibited unless the public safety shall require it. It is true that in the cases mentioned Congress is of necessity the judge of whether the public safety does or does not require it; and its judgment is conclusive. But the introduction of these words is a standing admonition to the legislative body of the danger of suspending it and of the extreme caution they should exercise before they give the Government of the United States such power over the liberty of a citizen.

It is the second article of the Constitution that provides for the organization of the executive department and enumerates the powers conferred on it and prescribes its duties. And if the high power over the liberty of the citizens now claimed was intended to be conferred on the President it would undoubtedly be found in plain words in this article. But there is not a word in it that can furnish the slightest ground to justify the exercise of the power.

The article begins by declaring that the executive power shall be vested in a President of the United States of America to hold his office during the term of four years, and then proceeds to describe the mode of election and to specify in precise and plain words the powers delegated to him and the duties imposed upon him. And the short term for which he is elected and the narrow limits to which his power is confined show the jealousy and apprehensions of future danger which the framers of the Constitution felt in relation to that department of the Government and how carefully they withheld from it many of the powers belonging to the executive branch of the English Government which were considered as dangerous to the liberty of the subject, and conferred (and that in clear and specific terms) those powers only which were deemed essential to secure the successful operation of the Government.

He is elected as I have already said for the brief term of four years and is made personally responsible by impeachment for malfeasance in office. He is from necessity and the nature of his duties the commander-in-chief of the Army and Navy and of the militia when called into actual service. But no appropriation for the support of the Army can be made by Congress for a longer term than two years, so that it is in the power of the succeeding House of Representatives to withhold

the appropriation for its support and thus disband it if in their judgment the President used or designed to use it for improper purposes. And although the militia when in actual service are under his command yet the appointment of the officers is reserved to the States as a security against the use of the military power for purposes dangerous to the liberties of the people or the rights of the States.

So too his powers in relation to the civil duties and authority necessarily conferred on him are carefully restricted as well as those belonging to his military character. He can not appoint the ordinary officers of Government nor make a treaty with a foreign nation or Indian tribe without the advice and consent of the Senate and can not appoint even inferior officers unless he is authorized by an act of Congress to do so. He is not empowered to arrest any one charged with an offense against the United States and whom he may from the evidence before him believe to be guilty; nor can he authorize any officer civil or military to exercise this power, for the fifth article of the amendments to the Constitution expressly provides that no person "shall be deprived of life, liberty or property without due process of law;" that is judicial process. And even if the privilege of the writ of habeas corpus was suspended by act of Congress and a party not subject to the rules and articles of war was afterwards arrested and imprisoned by regular judicial process he could not be detained in prison or brought to trial before a military tribunal, for the article in the amendments to the Constitution immediately following the one above referred to—that is the sixth article—provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense."

And the only power therefore which the President possesses where the "life, liberty or property" of a private citizen is concerned is the power and duty prescribed in the third section of the second article which requires "that he shall take care that the laws be faithfully executed." He is not authorized to execute them himself or through agents or officers civil or military appointed by himself, but he is to take care that they be faithfully carried into execution as they are expounded and adjudged by the coördinate branch of the Government to which that duty is assigned by the Constitution. It is thus made his duty to come in aid of the judicial authority if it shall be resisted by a force too strong to be overcome without the assistance of the executive arm. But in exercising this power he acts in subordination to judicial authority, assisting it to execute its process and enforce its judgments.

With such provisions in the Constitution expressed in language too clear to be misunderstood by any one I can see no ground whatever for supposing that the President in any emergency or in any state of things can authorize the suspension of the privilege of the writ of habeas corpus or arrest a citizen except in aid of the judicial power. He certainly does not faithfully execute the laws if he takes upon himself legislative power by suspending the writ of habeas corpus—and the judicial power also by arresting and imprisoning a person without due process of law. Nor can any argument be drawn from the nature of sovereignty or the necessities of government for self-defense in times

of tumult and danger. The Government of the United States is one of delegated and limited powers. It derives its existence and authority altogether from the Constitution, and neither of its branches—executive, legislative or judicial—can exercise any of the powers of government beyond those specified and granted. For the tenth article of the amendments to the Constitution in express terms provides that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

Indeed the security against imprisonment by executive authority provided for in the fifth article of the amendments of the Constitution which I have before quoted is nothing more than a copy of a like provision in the English constitution which had been firmly established before the Declaration of Independence.

Blackstone in his Commentaries (1st vol., 137) states it in the following words:

> To make imprisonment lawful it must be either by process from the courts of judicature or by warrant from some legal officer having authority to commit to prison.

And the people of the United Colonies who had themselves lived under its protection while they were British subjects were well aware of the necessity of this safeguard for their personal liberty. And no one can believe that in framing the Government—intending to guard still more efficiently the rights and the liberties of the citizen against executive encroachment and oppression—they would have conferred on the President a power which the history of England had proved to be dangerous and oppressive in the hands of the Crown and which the people of England had compelled it to surrender after a long and obstinate struggle on the part of the English executive to usurp and retain it.

The right of the subject to the benefit of the writ of habeas corpus it must be recollected was one of the great points in controversy during the long struggle in England between arbitrary government and free institutions, and must therefore have strongly attracted the attention of statesmen engaged in framing a new and as they supposed a freer government than the one which they had thrown off by the Revolution. For from the earliest history of the common law if a person was imprisoned—no matter by what authority—he had a right to the writ of habeas corpus to bring his case before the King's Bench, and if no specific offense was charged against him in the warrant of commitment he was entitled to be forthwith discharged; and if an offense was charged which was bailable in its character the court was bound to set him at liberty on bail. And the most exciting contests between the Crown and the people of England from the time of Magna Charta were in relation to the privilege of this writ and they continued until the passage of the statute of 31st Charles II. commonly known as the great habeas corpus act. This statute put an end to the struggle and finally and firmly secured the liberty of the subject from the usurpation and oppression of the executive branch of the Government. It nevertheless conferred no new right upon the subject but only secured a right already existing; for although the right could not justly be denied there was often no effectual remedy against its violation. Until the statute of the 13th William III. the judges held their offices at the pleasure of the King, and the influence which he exercised over timid, time-serving and partisan judges often induced them upon some

pretext or other to refuse to discharge the party although he was entitled to it by law, or delayed their decisions from time to time so as to prolong the imprisonment of persons who were obnoxious to the King for their political opinions or had incurred his resentment in any other way.

The great and inestimable value of the habeas corpus act of the 31st Charles II. is that it contains provisions which compel courts and judges and all parties concerned to perform their duties promptly in the manner specified in the statute.

A passage in Blackstone's Commentaries showing the ancient state of the law upon this subject and the abuses which were practiced through the power and influence of the Crown, and a short extract from Hallam's Constitutional History stating the circumstances which gave rise to the passage of this statute, explain briefly but fully all that is material to this subject.

Blackstone in his Commentaries on the laws of England (3d vol., 133, 134) says:

> To assert an absolute exemption from imprisonment in all cases is inconsistent with every idea of law and political society, and in the end would destroy all civil liberty by rendering its protection impossible.
>
> But the glory of the English law consists in clearly defining the times, the causes and the extent—when, wherefore and to what degree the imprisonment of the subject may be lawful. This it is which induces the absolute necessity of expressing upon every commitment the reason for which it is made that the court upon a habeas corpus may examine into its validity and according to the circumstances of the case may discharge, admit to bail or remand the prisoner.
>
> And yet early in the reign of Charles I. the Court of King's Bench relying on some arbitrary precedents (and those perhaps misunderstood) determined that they would not upon a habeas corpus either bail or deliver a prisoner though committed without any cause assigned in case he was committed by the special command of the King or by the Lords of the Privy Council. This drew on a parliamentary inquiry and produced the Petition of Rights—3 Charles I.—which recites this illegal judgment and enacts that no freeman hereafter shall be so imprisoned or detained. But when in the following year Mr. Selden and others were committed by the Lords of the Council in pursuance of his Majesty's special command under a general charge of "notable contempts and stirring up sedition against the King and the Government," the judges delayed for two terms (including also the long vacation) to deliver an opinion how far such a charge was bailable. And when at length they agreed that it was they however annexed a condition of finding sureties for their good behavior which still protracted their imprisonment; the chief justice, Sir Nicholas Hyde, at the same time declaring that "if they were again remanded for that cause perhaps the court would not afterward grant a habeas corpus being already acquainted with the cause of the imprisonment." But this was heard with indignation and astonishment by every lawyer present, according to Mr. Selden's own account of the matter whose resentment was not cooled at the distance of four and twenty years.

It is worthy of remark that the offenses charged against the prisoner in this case and relied on as a justification for his arrest and imprisonment in their nature and character and in the loose and vague manner in which they are stated bear a striking resemblance to those assigned in the warrant for the arrest of Mr. Selden. And yet even at that day the warrant was regarded as such a flagrant violation of the rights of the subject that the delay of the time-serving judges to set him at liberty upon the habeas corpus issued in his behalf excited universal indignation at the bar. The extract from Hallam's Constitutional History is equally impressive and equally in point. It is in vol. 4, p. 14:

> It is a very common mistake and not only among foreigners but many from whom some knowledge of our constitutional laws might be expected to suppose that this statute of Charles II. enlarged in a great degree our liberties and forms a sort of epoch in their history. But though a very beneficial enactment and eminently remedial in many cases of illegal imprisonment it introduced no new principle nor conferred any right upon the subject. From the earliest records of the English law

no freeman could be detained in prison except upon a criminal charge or conviction, or for a civil debt. In the former case it was always in his power to demand of the Court of King's Bench a writ of *habeas corpus ad subjiciendum* directed to the person detaining him in custody, by which he was enjoined to bring up the body of the prisoner with the warrant of commitment that the court might judge of its sufficiency and remand the party, admit him to bail or discharge him according to the nature of the charge. This writ issued of right, and could not be refused by the court. It was not to bestow an immunity from arbitrary imprisonment which is abundantly provided for in Magna Charta (if indeed it was not more ancient) that the statute of Charles II. was enacted, but to cut off the abuses by which the government's lust of power and servile subtlety of Crown lawyers had impaired so fundamental a privilege.

While the value set upon this writ in England has been so great that the removal of the abuses which embarrassed its enjoyment have been looked upon as almost a new grant of liberty to the subject, it is not to be wondered at that the continuance of the writ thus made effective should have been the object of the most jealous care. Accordingly no power in England short of that of Parliament can suspend or authorize the suspension of the writ of habeas corpus. I quote again from Blackstone (1 Com., 136):

But the happiness of our constitution is that it is not left to the executive power to determine when the danger of the State is so great as to render this measure expedient. It is the Parliament only or legislative power that whenever it sees proper can authorize the Crown by suspending the habeas corpus for a short and limited time to imprison suspected persons without giving any reason for so doing.

And if the President of the United States may suspend the writ then the Constitution of the United States has conferred upon him more regal and absolute power over the liberty of the citizen than the people of England have thought it safe to intrust to the Crown—a power which the Queen of England cannot exercise at this day and which could not have been lawfully exercised by the sovereign even in the reign of Charles the First.

But I am not left to form my judgment upon this great question from analogies between the English Government and our own, or the commentaries of English jurists or the decisions of English courts, although upon this subject they are entitled to the highest respect and are justly regarded and received as authoritative by our courts of justice. To guide me to a right conclusion I have the Commentaries on the Constitution of the United States of the late Mr. Justice Story, not only one of the most eminent jurists of the age but for a long time one of the brightest ornaments of the Supreme Court of the United States, and also the clear and authoritative decision of that court itself given more than half a century since and conclusively establishing the principles I have above stated. Mr. Justice Story speaking in his Commentaries of the habeas corpus clause in the Constitution says:

It is obvious that cases of a peculiar emergency may arise which may justify, nay even require the temporary suspension of any right to the writ. But as it has frequently happened in foreign countries and even in England that the writ has upon various pretexts and occasions been suspended, whereby persons apprehended upon suspicion have suffered a long imprisonment sometimes from design and sometimes because they were forgotten, the right to suspend it is expressly confined to cases of rebellion or invasion where the public safety may require it. A very just and wholesome restraint, which cuts down at a blow a fruitful means of oppression capable of being abused in bad times to the worst of purposes. Hitherto no suspension of the writ has ever been authorized by Congress since the establishment of the Constitution. It would seem as the power is given to Congress to suspend the writ of habeas corpus in cases of rebellion or invasion that the right to judge whether the exigency had arisen must exclusively belong to that body. (3 Story's Com. on the Constitution, sec. 1336.)

And Chief Justice Marshall in delivering the opinion of the Supreme Court in the case *Ex parte* Bollman and Swartwout uses this decisive language in 4 Cranch, 95:

> It may be worthy of remark that this act (speaking of the one under which I am proceeding) was passed by the First Congress of the United States sitting under a Constitution which had declared "that the privilege of the writ of habeas corpus should not be suspended unless when in cases of rebellion or invasion the public safety may require it." Acting under the immediate influence of this injunction they must have felt with peculiar force the obligation of providing efficient means by which this great constitutional privilege should receive life and activity, for if the means be not in existence the privilege itself would be lost although no law for its suspension should be enacted. Under the impression of this obligation they give to all the courts the power of awarding writs of habeas corpus.

And again in page 101:

> If at any time the public safety should require the suspension of the powers vested by this act in the courts of the United States it is for the legislature to say so. That question depends on political considerations on which the legislature is to decide. Until the legislative will be expressed this court can only see its duty and must obey the laws.

I can add nothing to these clear and emphatic words of my great predecessor.

But the documents before me show that the military authority in this case has gone far beyond the mere suspension of the privilege of the writ of habeas corpus. It has by force of arms thrust aside the judicial authorities and officers to whom the Constitution has confided the power and duty of interpreting and administering the laws and substituted a military government in its place to be administered and executed by military officers, for at the time these proceedings were had against John Merryman the district judge of Maryland—the commissioner appointed under the act of Congress—the district attorney and the marshal all resided in the city of Baltimore a few miles only from the home of the prisoner. Up to that time there had never been the slightest resistance or obstruction to the process of any court or judicial officer of the United States in Maryland except by the military authority. And if a military officer or any other person had reason to believe that the prisoner had committed any offense against the laws of the United States it was his duty to give information of the fact and the evidence to support it to the district attorney, and it would then have become the duty of that officer to bring the matter before the district judge or commissioner and if there was sufficient legal evidence to justify his arrest the judge or commissioner would have issued his warrant to the marshal to arrest him, and upon the hearing of the party would have held him to bail or committed him for trial according to the character of the offense as it appeared in the testimony, or would have discharged him immediately if there was not sufficient evidence to support the accusation. There was no danger of any obstruction or resistance to the action of the civil authorities and therefore no reason whatever for the interposition of the military. And yet under these circumstances a military officer stationed in Pennsylvania without giving any information to the district attorney and without any application to the judicial authorities assumes to himself the judicial power in the district of Maryland; undertakes to decide what constitutes the crime of treason or rebellion; what evidence (if indeed he required any) is sufficient to support the accusation and justify the commitment; and commits the party without having a hearing even before himself to close custody in a strongly-garrisoned fort to be there held it would seem during the pleasure of those who committed him.

The Constitution provides as I have before said that "no person shall be deprived of life, liberty or property without due process of law." It declares that "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized." It provides that the party accused shall be entitled to a speedy trial in a court of justice.

And these great and fundamental laws which Congress itself could not suspend have been disregarded and suspended like the writ of habeas corpus by a military order supported by force of arms. Such is the case now before me; and I can only say that if the authority which the Constitution has confided to the judiciary department and judicial officers may thus upon any pretext or under any circumstances be usurped by the military power at its discretion the people of the United States are no longer living under a government of laws, but every citizen holds life, liberty and property at the will and pleasure of the army officer in whose military district he may happen to be found.

In such a case my duty was too plain to be mistaken. I have exercised all the power which the Constitution and laws confer on me but that power has been resisted by a force too strong for me to overcome. It is possible that the officer who had incurred this grave responsibility may have misunderstood his instructions and exceeded the authority intended to be given him. I shall therefore order all the proceedings in this case with my opinion to be filed and recorded in the circuit court of the United States for the district of Maryland and direct the clerk to transmit a copy under seal to the President of the United States. It will then remain for that high officer in fulfillment of his constitutional obligation to "take care that the laws be faithfully executed" to determine what measures he will take to cause the civil process of the United States to be respected and enforced.

R. B. TANEY,
Chief Justice of the Supreme Court of the United States.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Fort McHenry, June 13, 1861.

The MAYOR OF THE CITY OF BALTIMORE.

SIR: I have the honor to transmit to you a copy of an order* issued to the troops of the United States in this city and the vicinity.

In pursuance of this authority no soldier will be permitted to leave his post or enter the city during this day without positive orders from the general in command except those who are voters under the constitution and laws of Maryland and whose rights as voters as I understand have been recognized in a communication addressed by you to my predecessor in command of this department.

I earnestly desire to co-operate with you in all measures that may tend to promote the peace of the city. The large police force wisely controlled I think if impartial and vigilant will have strength to suppress ordinary election tumults and preserve order. If they fail to do this or if any considerable portion of the people of Baltimore avail

* Omitted.

themselves of the difficulties of the occasion to organize anarchy and overthrow all forms of government the responsibility for the results whatever they are will fall upon them.

I have the honor to be, most respectfully, your obedient servant,

NATH. P. BANKS.

WAR DEPARTMENT,
Washington, July 1, 1861.

Brig. Gen. J. K. F. MANSFIELD, U. S. Army.

SIR: Complaints are received at this department of arrests and searches in Maryland by troops from this District. You will please give directions to prevent such proceedings except for good cause and by your order and to have your own necessary orders for such arrests and searches executed by discreet officers from the native troops.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
July 13, 1861.

Col. E. D. TOWNSEND, *Assistant Adjutant-General.*

SIR: I find it necessary to call the attention of the commander-in-chief to the condition of Fort McHenry considered merely as a place of confinement for arrested persons. Its limited dimensions make it insufficient for the secure possession of persons whose arrests and detention is indispensable to the public peace. I have discouraged arrests for the expression of political opinions or upon unimportant charges, and when they have been made I have promptly ordered a discharge unless important or positive testimony could be found against them; nevertheless arrests multiply to such extent as to endanger the safe-keeping of prisoners.

* * * * * * *

You will allow me to suggest that prisoners may be divided into two classes—those who are detained for public safety and those who are to be tried for high crimes and misdemeanors. It is a delicate question whether persons held for trial can be even temporarily removed from the jurisdiction of the court, but is it not different with those detained for public safety alone and who are to be relieved when safety will permit? Of this class I judge the police commissioners to be. The charge against them is a negative one, an error of judgment or culpable inefficiency in the performance of official duty to which correct intention and incapacity would probably be a sufficient plea. (While I confidently assure the Government that their arrest prevented riot and that their detention is yet necessary I do not think that a trial for any positive crime can result in their conviction.) It admits of serious question whether Colonel Thomas, whose crime is that of piracy of the worst form and which was committed in the waters of the United States, perhaps in Maryland and perhaps in Virginia, must be detained and tried in this criminal district alone.

The same question arises in relation to the four prisoners arrested yesterday. They were armed and intended crime—piracy or treason—somewhere within the jurisdiction of the United States. Must they be held and tried in Baltimore alone? The condition of the public mind

may make it necessary that a trial to be impartial and just to the prisoners and the Government shall be postponed for some months. Must they be held here during the delay? Would not Fort Delaware considering the necessity of the case be sufficiently within the law of vicinage to justify their detention there? And if such temporary imprisonment should not be within the law as it now exists ought not the attention of Congress to be called to this most important subject during the present session?

I submit these questions to the Government in view of the arrests that are likely to be made of persons who are engaged in commission of high crimes against the Government of the United States and the wholly insufficient accommodations that now exist at Fort McHenry for the safe-keeping of prisoners. It is proper that I should accompany this representation with an expression of my approval of the course pursued by the faithful commandant of the fort, Maj. W. W. Morris.

With great respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding Department of Annapolis.

HEADQUARTERS,
[*Washington,*] *July 17, 1861.*

Major-General BANKS, U. S. Army,
Commanding Department of Annapolis, Baltimore, Md.

SIR: * * * The general is aware of the difficulties attending the custody of prisoners at Fort McHenry but at present sees no remedy for them. He supposes the prisoners to have been of course disarmed and that force would be used to prevent their escape under all circumstances. A regiment of three-years' men from Vermont will be ordered to report to you without delay.

I have the honor to be, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

Resolutions of the General Assembly of Maryland in relation to the arrest and imprisonment of Ross Winans, esq., &c.

BALTIMORE, MD., *July 29, 1861.*

Hon. JAMES A. PEARCE and Hon. ANTHONY KENNEDY,
[*Washington, D. C.*]

GENTLEMEN: When I sent you the printed copies of the resolutions [of the General Assembly of Maryland] herewith inclosed I had not received the official copy which I now send to you with the concurrence of the president of the senate of Maryland.

Very respectfully,

E. G. KILBOURN,
Speaker of the House of Delegates.

[Inclosure.]

Whereas, Ross Winans, a member of the house of delegates of Maryland from the city of Baltimore, on his way to his home from the discharge of his official duties on the 14th of May last was arbitrarily and illegally arrested on a public highway in the presence of the governor

of this State by an armed force under the orders of the Federal Government, and was forcibly imprisoned and held in custody thereafter at Annapolis and Fort McHenry without color of lawful process or right by the command and at the arbitrary will and pleasure of the President of the United States; and

Whereas, sundry other citizens of Maryland have been unlawfully dealt with in the same despotic and oppressive manner by the same usurped authority, and some of them have in fact been removed by force beyond the limits of the State of Maryland and the jurisdiction of her tribunals in utter violation of their rights as citizens and the rights of the State as a member of the Federal Union; and

Whereas, the unconstitutional and arbitrary proceedings of the Federal executive have not been confined to the violation of the personal rights and liberties of the citizens of Maryland but have been extended into every department of oppressive illegality, so that the property of no man is safe, the sanctity of no dwelling is respected and the sacredness of private correspondence no longer exists; and

Whereas, the senate and house of delegates of Maryland, recognizing the obligation of the State as far as in her lies to protect and defend her people against usurped and arbitrary power—however difficult the fulfillment of that high obligation may be rendered by disastrous circumstances—feel it due to her dignity and independence that history should not record the overthrow of public freedom for an instant within her borders without recording likewise the indignant expression of her resentment and remonstrance: Now therefore be it

Resolved, That the senate and house of delegates of Maryland in the name and on the behalf of the good people of the State do accordingly register this their earnest and unqualified protest against the oppressive and tyrannical assertion and exercise of military jurisdiction within the limits of Maryland over the persons and property of her citizens by the Government of the United States, and do solemnly declare the same to be subversive of the most sacred guarantees of the Constitution and in flagrant violation of the fundamental and most cherished principles of American free government.

Resolved further, That these resolutions be communicated by the president of the senate and the speaker of the house to Hon. James Alfred Pearce and Hon. Anthony Kennedy, Senators of Maryland in the Senate of the United States, with the request that they present the same to the Senate to be recorded among its proceedings in vindication of the right and in perpetual memory of the solemn remonstrance of this State against the manifold usurpations and oppressions of the Federal Government.*

By the house of delegates, June 20, 1861. Adopted by yeas and nays.

By order:

MILTON Y. KIDD,
Chief Clerk.

By the senate, June 22, 1861. Adopted by yeas and nays.

By order:

WM. KILGOUR,
Secretary of the Senate.

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* Mr. Kennedy, a Senator from Maryland, presented the foregoing resolutions in the U. S. Senate in special session August 3, 1861. After some discussion, in which it was asserted by Senator Wilkinson that the resolutions were an insult to the Government, they were read, laid on the table and ordered to be printed.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Fort McHenry, Md., August 9, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters of the Army.

COLONEL: The man who is supposed to have shot one of the pickets south of the Relay House is in custody but there is no proof against him. The captain who made the examination has been here and the evidence which is purely circumstantial would not be sufficient I am satisfied to sustain an indictment by a grand jury. The soldier received a ball in his wrist and there was some apprehension that he would lose his hand. I have thought it best to hold the suspected person a few days longer with the hope—a faint one as I think—of procuring additional testimony. If I get none I propose to deliver him to the civil authorities unless the general-in-chief advises otherwise.

My own view of the proper course in regard to persons taken into custody by military force is not to hold them unless we have evidence sufficient to convict them before a court of competent jurisdiction. Whether in the condition of the judiciary in this portion of my department they should even with such evidence be surrendered for trial at this time is another question on which considerations of the public safety may have some influence. But if such evidence is absolutely wanting I suppose we should not hesitate either to release them or give them over to the prosecuting attorney to be disposed of as he may think proper.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DIVISION OF THE POTOMAC,
August 20, 1861.

Maj. Gen. JOHN A. DIX,
Commanding, &c., Baltimore, Md.

GENERAL: * * * Before many days some place will be designated where prisoners of this description can be sent for safe-keeping until everything is settled. When there is good reason to suppose that persons are giving aid and comfort to the enemy they should be arrested even when there is a want of positive proof of their guilt.

I am, sir, very respectfully, your obedient servant,

A. V. COLBURN,
Assistant Adjutant-General.

FORT MCHENRY, *August 25, 1861.*

Lieutenant-General SCOTT.

MY DEAR GENERAL: I inclose a letter addressed to me* by the Rev. A. Cleveland Coxe, rector of Grace Church in this city. He is a strong Union man and is therefore entitled to a respectful hearing. His letter is private, but it refers to you and therefore I take the liberty of sending it. There was an article in the Clipper (communicated) and another in the New York Herald (from a letter-writer or correspondent) complaining of my clemency in regard to the twenty-three State prisoners who passed through this city to Fort Monroe.

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* Not found.

I exercised neither clemency nor rigor. I gave no orders except for their embarkation. They were under the charge and surveillance of Captain Way with instructions from the governor of Ohio as to their treatment. They were on parole and allowed to visit some of their secession friends not by me but by Captain Way. When they went to the boat 100 or 200 persons followed the carriages and some of them had the bad taste to shout for Jeff. Davis. There was no interference with them and a half dozen policemen kept order. I put a guard of twenty men under an officer in the boat to escort them to Fort Monroe as a measure of precaution. This is the whole story.

The deputy marshal told me this morning the city had not been so tranquil since April 19. I have adopted stringent measures to secure quiet but they are so ordered as to attract no notice. The regiments are well drilled to street-firing and in half an hour I can have 1,000 men in any part of the city; in forty minutes five times that number.

I beg you, general, not to change my regiments. They have a peculiar service to perform in case of an outbreak and every time a change is made I have to begin the work of preparation anew. The work on Federal Hill was commenced yesterday. The Seventeenth and Twenty-first Massachusetts and the Seventh Maine Regiments arrived to-day. I keep them all and send the Pennsylvania Fourth to you to-morrow; the Pennsylvania First from Annapolis shortly. I wish I could be allowed to keep it and send one of the Massachusetts regiments instead. Colonel Roberts, of the Pennsylvania First, was selected for his peculiar qualifications. He is just suited to Annapolis; very intelligent, gentlemanly and discreet. Everything is going on so well it is a pity to relieve him. I wrote to Major-General McClellan but he is I know very busy and I have not heard from him. I shall unless his former direction is changed send Colonel Roberts to Washington as soon as I can see those colonels who came in to-day and find a suitable substitute.

With the sincerest respect, I am, faithfully, yours,

JOHN A. DIX.

FORT MCHENRY, *August 31, 1861.*

Hon. M. BLAIR.

MY DEAR SIR: I have received the letter of the postmaster of Baltimore with your indorsement* in regard to the Exchange and other secessionist presses in that city. I presume you are not aware that an order for the suppression of these presses was made out in one of the Departments at Washington and in consequence of strong remonstrances from Union men in Baltimore was not issued. Under these circumstances it would not be proper for me to act without the authority of the Government. Any action by me without such authority would be improper for another reason that probably does not occur to you. The command of General McClellan has been extended over the State of Maryland. I am his subordinate and have corresponded with him on the subject. I cannot therefore act without his direction. But independently of this consideration I think a measure of so much gravity as the suppression of a newspaper by military force should carry with it the whole weight of the influence and authority of the Government especially when the publication is made almost under its eye.

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* Not found.

There is no doubt that a majority of the Union men in Baltimore desire the suppression of all the opposition presses in the city but there are many—and among them some of the most discreet—who think differently. The city is now very quiet and under control though my force is smaller than I asked. There is a good deal of impatience among some of the Union men. They wish to have something done. The feeling is very much like that which prevailed in Washington before the movement against Manassas. It would not be difficult to get up a political Bull Run disaster in this State. If the Government will give me the number of regiments I ask and leave them with me when I have trained them to the special service they may have to perform I will respond for the quietude of this city. Should the time for action come I shall be ready. In the meantime preparation is going on. I am fortifying Federal Hill under a general plan of defense suggested by me and approved by General Scott. Two other works will be commenced the moment I can get an engineer from Washington. On the Eastern Shore there should be prompt and decisive action. I have urged it repeatedly and earnestly during the last three weeks.

Two well-disciplined regiments should march from Salisbury, the southern terminus of the Wilmington and Delaware Railroad, through Accomack and Northampton Counties and break up the rebel camps before they ripen into formidable organizations as they assuredly will if they are much longer undisturbed. No man is more strongly in favor of action than I am but I want it in the right place. We are in more danger on the Eastern Shore than in any other part of the State.

I am, dear sir, sincerely yours,

JOHN A. DIX.

[Indorsement.]

Referred to General McClellan. I believe the Exchange, Republican and South should be suppressed. They are open disunionists. The Sun is in sympathy but less diabolical.

M. B[LAIR].

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 4, 1861.

Maj. Gen. G. B. MCCLELLAN,
Commanding Army of the Potomac.

GENERAL: No secession flag has to the knowledge of the police been exhibited in Baltimore for many weeks, except a small paper flag displayed by a child from an upper window. It was immediately removed by them. They have been instructed to arrest any person who makes a public demonstration by word or deed in favor of the Confederate Government and I have prohibited the exhibition in shop windows of rebel envelopes and music. The informant of the Secretary of the Treasury does not appear to have mentioned special cases and you know how unreliable general statements are.

The old police when disbanded consisted of 416 persons. Twenty-seven are in our service. Several have been discharged. There are now about 350 left. The great part of them are obscure and inoffensive persons. Some of them are Union men. There are I am confident not over forty or fifty who would not take the oath of allegiance. There are some very mischievous, worthless fellows, but they are quiet. We only want a pretext for arresting them. They have up to this time been

paid by the city. Yesterday I addressed a letter to the mayor* ordering the payment to be discontinued. I think he will obey it. If he does not I shall arrest him and make a like order on the city comptroller who will obey.

I did not intend to trouble you with this matter until it was ended, but as I perceive by Colonel Marcy's † letter that the condition of things has been represented to you by zealous persons as less favorable than it really is I have thought it best to mention now what I am doing. The city is perfectly quiet and perfectly under control by the police force alone. If there is an uprising on the Eastern Shore under the influence of the rebel organizations in Accomack and Northampton, or if the Confederate forces cross the Potomac we may have trouble. I shall endeavor to be ready for it whenever it comes. My regiments are for the most part new and I very much want a good brigadier-general. I have none as yet.

I think it very desirable that you should see the provost-marshal of this city. He is a very respectable citizen, is thoroughly acquainted with the condition of the city and I think can relieve you from much of the anxiety which it is natural you should feel from the representations of uneasy persons who I know have visited Washington and have communicated their apprehensions to members of the Government.

I had a very satisfactory interview with Secretary Seward to-day on these matters. Still I think it would be well for you to see the provost-marshal, and if you will name a day he will call on you in Washington.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 5, 1861.

Maj. Gen. G. B. McCLELLAN,
Commanding Army of the Potomac.

GENERAL: Fort McHenry which has not sufficient space for the convenient accommodation of the number of men necessary to man its guns is crowded with prisoners. Beside our own criminals awaiting trial or under sentence we have eleven State prisoners. To this number six more will be added to-morrow. I do not think this a suitable place for them if we had ample room. It is too near the seat of war which may possibly be extended to us. It is also too near a great town in which there are multitudes who sympathize with them who are constantly applying for interviews and who must be admitted with the hazard of becoming the media of improper communications, or who go away with the feeling that they have been harshly treated because they have been denied access to their friends.

It is very desirable that an end should be put to these dangers on the one hand and annoyances on the other. If as is supposed Fort Lafayette is crowded may they not be provided for at Fort Delaware? There are several prisoners here who are under indictment. The Government decided that they should not be sent away. I concur in the correctness of the reasoning, but is there any impropriety if their safety requires it in taking them temporarily beyond the jurisdiction of the court by which they must be tried to be remanded when the court is ready for their trial? I confess I do not see that any principle

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* See Dix to Brown, p. 644. † Not found.

is violated. I certainly do not think them perfectly safe here considering the population by which they are surrounded and the opportunities for evading the vigilance of their guards.

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I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

[Indorsement.]

HEADQUARTERS ARMY OF THE POTOMAC,
September 5, 1861.

Respectfully referred to the general commanding with a recommendation that the seventeen prisoners referred to by General Dix be transferred to some other place for safe-keeping; and I beg to repeat my suggestion that some other suitable place be selected for keeping prisoners of war that may be captured in future. For present purposes it seems to me that Fort Independence, Boston Harbor, or Fort Adams, Newport, might suffice.

GEO. B. McCLELLAN,
Major-General, U. S. Army.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 5, 1861.

Maj. Gen. G. B. McCLELLAN,
Commanding Army of the Potomac.

GENERAL: I have received a communication from the mayor* of Baltimore protesting against my order, but informing me that he shall offer no resistance to it and that he will "give public notice to the officers and men of the city police that no further payments can be expected by them."

I have the honor to be, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md, September 8, 1861.

Maj. Gen. G. B. McCLELLAN,
Commanding Army of the Potomac.

GENERAL: I came to the city from Fort McHenry to-day to examine a quantity of articles, letters, &c., intended for the Confederate States, captured last evening by the police. Two parties of individuals were also taken with them.

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I have all these persons in custody; what shall be done with them? I must again call your attention to the crowded state of Fort McHenry. Every room is full and we had about fifty prisoners last night in tents on the parade ground with hardly room left for the guard to parade. I understand that Fort Delaware could very promptly and economically be fitted up for 200 prisoners by simply flooring the casemates.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

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* Not found.

[Indorsement.]

HEADQUARTERS ARMY OF THE POTOMAC,
September 9, 1861.

Respectfully referred to the general-in-chief with the request that some place be immediately designated for the safe-keeping of the prisoners now at Baltimore.

GEO. B. McCLELLAN,
Major-General, U. S. Army.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 9, 1861.

Hon. GEORGE WILLIAM BROWN,
Mayor of the City of Baltimore.

SIR: Your letter of the 5th instant* was duly received. I cannot without acquiescing in the violation of a principle assent to the payment of an arrearage to the members of the old city police as suggested in the last paragraph of your letter. It was the intention of my letter to prohibit any payment to them subsequently to the day on which it was written. You will please therefore to consider this as the further order referred to by you.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, September 10, 1861.

Maj. Gen. JOHN A. DIX, U. S. Army,
Commanding, &c., Fort McHenry, Baltimore, Md.

SIR: Your letters of the 5th and 8th instant to Major-General McClellan on the subject of the prisoners confined in Fort McHenry have been referred to the general-in-chief who directs me to reply as follows: You will please send under a sufficient guard all the political prisoners and prisoners of war now at Fort McHenry except those indicted but including Marshal Kane by an inland route to New York, preferably by the Chesapeake and Delaware Canal. Some of the principal men among them will be sent to Fort Lafayette and delivered to Lieut. Col. Martin Burke; the remainder will be delivered to Col. Loomis, commanding at Governor's Island. Directions will be sent from this office to those officers to receive them. * * *

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 12, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

COLONEL: I have the honor to report that the requirements of your letter of the 10th instant have been carried out as follows:

Thirty political prisoners left Fort McHenry this day for Forts Columbus and Lafayette via the Delaware and Chesapeake Canal and Camden and Amboy Railroad under a guard of eighteen enlisted men

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* Not found.

from the Twenty-first Regiment Indiana Volunteers, commanded by Capt. James Grimsley. Four prisoners are ordered to Fort Lafayette, viz: George P. Kane, late marshal of police of Baltimore City; Robert Drane, citizen of Fairfax County, Va.; Arthur Dawson, citizen of Fairfax County, Va.; Benjamin Eggleston, citizen of Washington, D. C. The other twenty-six have been sent to Fort Columbus. The only person of note among them is Col. John Pegram.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

BALTIMORE, *September 15, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR GOVERNOR: I thank you in the name of every truly loyal man in Baltimore and in my own poor name too for your arrest of the traitors whom you have sent to Fortress Monroe. A great and a good work has been done. Rebellion has received a staggering blow. I hope General Banks will take care that the Legislature shall not sit at all. There are thin-skinned Union men enough who will seek to get a quorum for the sake of the $4 a day. General Kimmel is one of them. He told me a day or two ago he wanted to have a chance to pass his foolish resolutions. I bade him take up his musket rather and go to the field.

The arrest of W. Wilkins Glenn,* the proprietor of the Exchange, has given intense satisfaction. Beale Richardson and his writing editor Joice, of the Republican, are very violent and would grace the Tortugas. If the Exchange should go on a Doctor Palmer and a William H. Carpenter are the ostensible editors, and both write with bitterness. They too would do well at Tortugas. A Mr. Hodges here told me last evening that any amount of money could be raised to continue the Exchange, but, said he, "What's the use? We can't get it through the mails." I still think they will try to keep it up just for a vent of their spleen and sinister designs. Our provost-marshal, Mr. Dodge, whom I have just left, is anxious to have it bought up by the Union men but that's impossible. It is in debt some $40,000 and would be worth nothing to the Union cause because all its supporters are rebels who would instantly withdraw. My own judgment is that it should be suppressed out and out if it is continued. The South [newspaper] has stopped after trying to get up a Polignac revolution. May's arrest* has caused infinite pleasure because of his hypocrisy and malignancy.

The effect of these arrests must determine very rapidly the status of the floating population who are ever on the watch for the stronger side. I have already heard of cases in our favor. We are determined to prevent any rebel voting if he will not take the oath of allegiance. It is to be done by a system of challenging. The new mayor has already surrendered the pistols retained by the old police and evinces a readiness to co-operate with the Federal authorities. His name is Blackburn. It is intimated that General Howard has taken the hint and will not accept the rebel nomination for Governor. If he does he should be sent at once to Fortress Monroe, and so too of Jarrett, the rebel nominee for comptroller. I hope the Government will not release a single one of these prisoners let the circumstances be what they may. The effect upon the public mind depends largely upon firmness at this juncture.

Faithfully, yours, W. G. SNETHEN.

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* See Vol. II, this series, for cases of Glenn and May.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 15, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I received yesterday from Major-General Dix a letter accompanying fifteen prisoners arrested in Baltimore of which the following is an extract:

The direction of the Secretary of War is to keep them in close custody, suffering no one to communicate with them, and to convey them at once to Fortress Monroe there to remain in close custody until they shall be forwarded to their ultimate destination.

The prisoners Brown, May, Winans and others were landed at this post yesterday afternoon and have been placed in the casemates where they are strongly guarded. I have no other instructions or communications from the Government in regard to these prisoners than those contained in the above extract from a letter addressed to General Dix. Those instructions so far as the treatment of the prisoners while here is concerned may be susceptible of two constructions. Is it the intention of the Government that the prisoners shall neither receive nor send letters to their families and friends of a purely domestic and private character to be ascertained by inspection?

The crowded state of this fortress which from the great number of stores and supplies within it has obliged me to place these prisoners in very close quarters where they cannot obtain even the necessary conveniences of health and must suffer seriously for the want of air and ventilation, and to detail a strong guard for their safe-keeping which with the reduced force now at my disposal has necessarily interfered with other important duties of the men.

I would suggest that this fortress from its position and the sympathies that surround it is neither so secure nor commodious a place for the safe-keeping of these prisoners as points farther north. At the Rip Raps they could not be accommodated from the great number of prisoners waiting there for conveyance to the Tortugas.

I would be pleased to receive as soon as possible from the Government instructions in regard to these prisoners.

I have the honor to be, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

[First indorsement.

WAR DEPARTMENT, *September 16, 1861.*

Will the Secretary of State be good enough to read the within and inform me of his views?

SIMON CAMERON.

[Second indorsement.]

I advise that these prisoners be sent to Fort Lafayette or Fort Hamilton as General Scott may designate; that they be allowed to receive no visitors nor to communicate on any other than purely personal or domestic matters by letters to be inspected.

W. H. S[EWARD].

[Third indorsement.]

Will General Scott please designate the fort?

SIMON CAMERON,
Secretary of War.

HEADQUARTERS OF THE ARMY,
Washington, September 18, 1861.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding, &c., Fort Monroe, Va.

SIR: The general-in-chief directs that you send by the first suitable conveyance to Fort Lafayette, N. Y., the political prisoners mentioned in your letter to the Secretary of War of the 15th instant.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, September 18, 1861.

Lieut. Col. MARTIN BURKE, U. S. ARMY,
Commanding, &c., Fort Hamilton, N. Y.

SIR: The general-in-chief directs me to say that orders have been sent to Major-General Wool to transfer from Fort Monroe by the first suitable conveyance Hon. Henry May, Messrs. Winans, Brown and twelve other political prisoners arrested in Baltimore to Fort Lafayette. You will please receive and hold them in custody. They will be allowed to receive no visitors, and only to communicate on purely personal or domestic matters by letters to be inspected.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 20, 1861.

Captain BRAGG,
Second Regiment Maryland Volunteers.

SIR: I do not wish any searches made in private dwellings by the military. I prefer it should be done by the police. You have very properly reported to me the case of Doctor Henkle and I shall put it in the hands of the provost-marshal in Baltimore. I do not wish any persons to be stopped who have shotguns and who are evidently going on sporting excursions. They should not be detained or interfered with in any way. Your duty is to examine vehicles passing out of the city of Baltimore and suspected of having concealed arms or goods destined to the disloyal States.

Respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

PRIVATE.] BALTIMORE, *September 23, 1861.*

Hon. REVERDY JOHNSON.

MY DEAR JOHNSON: My belief is that the peace convention is defunct. Still I have taken measures to have them watched and will inform you promptly of any movement by them.

* * * * * * *

Sincerely yours,

WM. PRICE.

299 F STREET, *Washington, September 24, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Since the arrest of William G. Harrison, of Baltimore, a member of the Legislature of Maryland, I have had occasion to refer to a letter from him in reply to one of mine inquiring why he had not presented a petition which I had sent to him in relation to the capture of M. C. Causten by an armed band from Virginia.

The reason for not presenting my memorial that "the Federal relations of the State were such that I did not present it" of course made me very indignant and I did not reply to him, as I could not in a temperate style for we had been schoolmates nearly fifty years ago. Now I consider it my duty to transmit his note and my original petition to you, as in my humble opinion it shows his animus in relation to the Federal Government. More than forty years since I took an oath to support the Constitution of the United States and I have repeated it on many occasions and will keep it.

Now, my dear sir, on behalf of thousands of distressed individuals who have relatives and friends prisoners to the Confederates as they call themselves I pray you to adopt some course by which they may return to their homes. The late accounts from the South state the Union prisoners are being sent to New Orleans and Charleston where of course nearly half of them may be carried off by the yellow fever.

With great respect, I have the honor to remain, your obedient servant,

McCLINTOCK YOUNG.

P. S.—As I am a perfect stranger to you I would merely state that I was for many years chief clerk of the Treasury Department and often performed the duties of the head of the Department by appointments of Presidents Jackson, Van Buren, Tyler, Polk and Taylor.

[Inclosure No. 1.]

BALTIMORE, *July 11, 1861.*

McC. YOUNG, Esq., *Washington.*

MY DEAR SIR: In reply to your request under date 5th instant I now return to you the memorial sent me to present. The Federal relations of the State were such that I did not present it.

Very truly,

WM. G. HARRISON.

[Inclosure No. 2.]

WASHINGTON CITY, *June 9, 1861.*

THE HONORABLE THE GENERAL ASSEMBLY OF THE STATE OF MARYLAND:

The petition of the undersigned, a citizen of the State of Maryland residing in the city of Washington, respectfully showeth that on Monday last an armed body of men from Virginia invaded the State of Maryland near Seneca, in Montgomery County, and by force arrested and carried into Virginia Manuel C. Causten (brother-in-law of your petitioner), who was on a visit to his wife. Said Causten is a private in a volunteer mounted company of this city and was not on any military duty when he was kidnaped and carried out of the State by armed men. Rumor states that he was taken to Manassas Junction and thence to Richmond, but to this date none of his family or friends are aware of what has become of him.

Now your petitioner prays that your honorable body may inquire into the facts relating to this invasion and desecration of the soil of my native State and demand proper reparation from the State of Virginia and the immediate release of said Causten.

And your petitioner will ever pray, &c.,

McCLINTOCK YOUNG.

PRIVATE.] BALTIMORE, *September 25, 1861.*

REVERDY JOHNSON, Esq.

MY DEAR JOHNSON: * * * In regard to the peace convention I still think it defunct; but it will be well not to be thrown off our guard and if there should be any indications of its revival I shall be informed of it. From present appearances there will be no opposition to the Union tickets either in this city or county. Much will depend, however, upon the turn of events. If the rebels should lick us or obtain any decided advantage over us the rebel sentiment here will revive. Otherwise it will remain cowed as it is now. I do not think it would be wise to cease making arrests entirely. Some evidence that the powe- is with the Government should be kept before the eyes of the discon tented few. It has a most salutary effect.

Yours, truly,

WM. PRICE.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 5, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: * * * I have become somewhat suspicious of charges against individuals unless they are well supported by statements from reliable sources. I arrested in an interior county and brought to this city two men charged with open acts of hostility to the Government on testimony vouched by the U. S. marshal, and yet they turned out to be two of the most consistent and active Union men in the neighborhood.

I am, very respectfully, your obedient servant,

JOHN A DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 10, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have carefully examined the papers in the case of Dr. A. C. Robinson and have some doubt about the expediency of allowing him to return to Baltimore until after the fall election—say the 10th of November. He has been a very violent secessionist, and even though he should take the oath of allegiance and abstain from any act of hostility to the Government he would not consider himself precluded from a participation in the proceedings of his party in support of the peace ticket. He is not a dangerous man like Wallis but I would rather have him away from Baltimore for the next three weeks at least.

It looks very much as though we should carry our ticket without any organized opposition. I am confident at all events that Maryland will be a Union State in November. Until then I think it would be wise to let those who have been active against the Government and have

influence remain out of the State if they are not in it now. It is understood that Doctor Robinson is in Richmond at this time though he may be nearer home. If you will allow me to suggest a course in regard to his friends seeking his release it would be not to discourage them but to hold out the expectation that he will be permitted to return shortly on taking the oath of allegiance, and it ought not to be less than the one prescribed by Congress.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore:*

The act of Congress requiring an oath of allegiance was approved the 31st of August last.

W. H. SEWARD.

WASHINGTON, *October 10, 1861.*

The Honorable SECRETARY OF STATE.

DEAR SIR: For months past there has been a regular mail to and from Virginia via the Great Mills Post-Office. This office is situated about six miles from the Potomac River in Saint Mary's County, Md., and eighty-three miles from this city. The plan was to inclose all correspondence intended for Virginia (under cover) to some well-known secessionist residing at the Great Mills Post-Office and by these parties forwarded to Virginia. On the 5th instant I applied to the honorable Secretary of the Navy and was promptly furnished with a small steamer and a number of men sufficient to carry out my intentions. We proceeded to the locality mentioned above and seized all the mail matter in said office, also one unopened mail bag. On examination I find a large number of letters addressed to parties in Virginia and other parts of the South, also letters coming from Virginia to parties in Baltimore, Washington, Philadelphia, &c., the most important of which accompany the report.

The postmaster at Great Mills seems to have made his office a repository or depot for this contraband correspondence although he professes to be a very strong Union man. We arrested one John S. Travis, a resident of the above-named locality, and brought him a prisoner to this city. Travis is charged with carrying the mails to and from the Great Mills Post-Office into Virginia. This morning I received a telegram from Major-General Dix, at Fort McHenry, stating that the provost-marshal of Baltimore would furnish me with an abundance of proof against Travis. I shall detain him until such proof arrives. The post-offices at Leonardtown and Ridge Road I think should be immediately seized. I have positive information that an extensive Southern correspondence is now being carried on through these offices. The honorable Assistant Secretary of the Navy rendered very prompt and valuable assistance in the above matter.

I have the honor to be, very respectfully, your obedient servant,

L. C. BAKER.

POST-OFFICE DEPARTMENT, *October 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

MY DEAR SIR: I inclose the letter of C. E. Detmold, esq., to L. J. Brengle, esq., of Frederick, Md., containing information valuable to the Government. * * * I shall be obliged to you to have the letter returned after use has been made of it to me.

Very respectfully, your obedient servant,

JOHN A. KASSON,
First Assistant Postmaster-General.

[Inclosure.]

NEW YORK, *October 11, 1861.*

L. J. BRENGLE, Esq.

MY DEAR SIR: The result of the election in Baltimore proves the wisdom of the action of the Government in having the prominent traitors arrested. Even the secessionists in Western Maryland are reconciled and even approve it for they dread civil war within the State.

At the same time, however, I learn from a very reliable source in Allegany County that a secret movement is on foot by the peace party, *i. e.*, secessionists in disguise to nominate an opposition ticket; and for the purpose of defeating the Union ticket the commissioners, nearly all secessionists, have lately had a meeting and appointed the rankest secessionists as judges of election. I mention the name of one so appointed for Cumberland, W. O. Sprigg, well known as a rabid secessionist, having a son in the rebel army. Amongst the opponents of the Government the foremost in Allegany County are Judge Perry and Doctor Fitzpatrick. The former appointed young Brien, now an officer in the rebel ranks, foreman of the grand jury and permitted him to come into court with a large secession badge on his breast. I mention this fact as a glaring instance of his proclivities. He and his confederates Doctor Fitzpatrick, W. O. Sprigg (who I believe has also a son in the rebel ranks) and if I mistake not Devecmon, the lawyer, are the head and front of the secret movement now going on. They are in constant communication with the rebels in Virginia and are doing all the mischief they can. Now it seems to me these people should for a while be placed where they can do no harm. If the Government could be made aware of the state of things I think they should give these gentlemen free quarters at Fort McHenry or Fort Lafayette from now until after the election. The quiet and safety of the State of Maryland would be promoted by such a proceeding and an election result obtained which could not but have a most beneficial effect upon the whole country.

Cannot you, my dear sir, place this information before the Government in such manner as to command their attention? I am sure that any suggestions coming from you would receive the promptest consideration.

After much impatience the public here is becoming reconciled to the inaction of the Union forces along the line of the Potomac. A large naval expedition is preparing which is nearly ready and destined in all probability to take Mobile or New Orleans. About the same time an advance movement will probably be made by the army at and near Washington, and most devoutly do I hope and pray that both may be completely successful. The best spirit prevails here. The Government can have whatever they ask for. No sacrifice or effort is too great not to be made promptly and cheerfully. All we ask is that the Government shall respond with energy to the wishes of the people.

A great blow must be struck before the season advances so far as to compel the army to go into winter quarters.

The canal is doing considerable business, both for Georgetown and Alexandria and for Baltimore.

Always, my dear sir, with sincere regard, yours, truly,

C. E. DETMOLD.

DEPARTMENT OF STATE, *Washington, October 17, 1861.*

Maj. Gen. N. P. BANKS, *Darnestown, Md.*

GENERAL: This Department has reliable information that William O. Sprigg, Judge Perry, Doctor Fitzpatrick and perhaps Devecmon, a lawyer, all of Cumberland, Allegany County, Md., are disloyal in their sentiments and are in constant communication with the rebels in Virginia. The expediency of arresting one or more of these persons and of sending them to Fort McHenry is accordingly submitted to your consideration.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

ROUSE'S POINT, N. Y., *October 17, 1861.*

Hon. W. H. SEWARD.

DEAR SIR: I have received your second order to retain the trunks* in my possession and fully believe your decision to retain them a correct one.

Another feature of this rebel business I wish to bring to your notice. I have just been in Montreal and am astonished to find so large a number of secessionists. Nearly or quite every Southern State is there represented, and in the dining halls and parlors of different hotels secession is very earnestly defended by them. I should think there were from thirty to fifty of this class in Montreal, and I am told there are quite as many if not more in Quebec, any one of whom would be arrested if found on this side of the line.

Funds to quite an extent are being forwarded by express to them from the South. Would it not be well through our consul or otherwise to ascertain the names of those rebels and seize their funds? I am confident a large amount is thus being drawn from the South and invested in Canada or sent to England. A thousand dollars in gold, besides drafts, &c., to quite an amount passed through for one of the owners of those trunks but a few days since. If it be desired I can obtain the assistance of a most reliable man for a short time to ascertain the names and residence of Southerners now in Canada.

Most respectfully yours,

H. DUNN.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 18, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a list† of prisoners brought to Fort McHenry within the last three days. * * * It is desirable that

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* Of J. C. Brune, a member of the Maryland Legislature.

† Omitted.

they should be sent away from Fort McHenry to some place of security more distant from their friends who are constantly seeking access to them.

I am, very respectfully,

JOHN A. DIX,
Major-General, Commanding.

U. S. CONSULATE-GENERAL,
BRITISH NORTH AMERICAN PROVINCES,
Montreal, October 22, 1861.

FREDERICK W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: Mr. Brune, a member of the Maryland Legislature, was in my office yesterday. He admits that he fled from Maryland under a feigned name, is a secessionist, &c., but is anxious to obtain his trunk which is detained at Rouse's Point. He asserts there was nothing in the trunk that can afford any evidence for or against him and is only anxious to obtain [it] on account of his wardrobe. He has friends here who are excellent Union men, and at their request I address this note asking that the trunk may be given up unless there are reasons for detaining it.

Very respectfully, your obedient servant,

J. R. GIDDINGS.

FORT MCHENRY, *October 23, 1861.*

Hon. SIMON CAMERON and Hon. WILLIAM H. SEWARD:

Fort McHenry is very small and is filled up by the garrison. We have not room for the accommodation of prisoners or the means of providing for their comfort. Seven prisoners of war from General Banks' column and four State prisoners engaged in secreting a balloon in Delaware came in last night. We have now over twenty confined in one room and cell.

JOHN A. DIX.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 28, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I inclose a pamphlet containing an address by three peace nominees of Harford County. It is very impudent, but is their language such as to warrant their arrest?

I submit the question to you, and am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

TO THE PEOPLE OF HARFORD:

We have thought it best to address you explaining frankly the convictions that influence and the principles that govern us in the present crisis; principles we believe to be sound and convictions we know to be honest. Intending to adhere to them and willing to be judged by them we do not hesitate to submit our opinions unreservedly for your censure or approval.

Maryland has never recognized secession as a constitutional right or constitutional remedy. The Constitution of the United States is incorporated with and made part of the organic law of the State. Her Legislature has no power to change that fundamental law, and an act of secession if passed would be a nullity.

Maryland has been always true to the Union as a fosterer and assurance of national dignity, strength and prosperity. When Massachusetts proclaimed the admission of Texas as just cause for secession; when those who profess now to be its most loyal defenders reviled it as a covenant with hell and were willing to let it slide; when unconstitutional legislation in other States struck at vital interests here she never faltered in her faith; never looked for redress beyond the constitutional tribunals nor appealed to a higher law than the Constitution. In this time of peril and distress it is her right to demand the strict observance in peace or war of every constitutional provision, the recognition of all rights secured by those provisions and of all reserved to her as a sovereign State when she entered into the Federal compact.

The States are sovereign except as to those attributes they agreed to confer upon their appointed representative, the General Government. As such they achieved the Revolution. Combining their several resources for a common end they fought for and established the great American principle that governments are formed for the benefit of the people and all authority emanates from the people. The rights of each were as perfect and ample as the rights of all. They derived none from the Constitution but formed it, their creature, and through it the Union, not to acquire more but as the chosen means of securing and defending what each already possessed.

Their continued sovereignty is essential to the theory and success of our Government; but for its recognition the Constitution would never have been adopted. When opposed by those who feared probable aggression it was declared by Mr. Hamilton, its ablest advocate, that "it may be safely received as an axiom in our political system that the State governments will in all possible contingencies afford complete security against invasion of the public liberty by the national authority." What mockery, if the States be as the President asserts mere municipal divisions! How ridiculous in his own Illinois to emblazon on her shield as the essence of her political faith the motto "State Sovereignty, National Union!"

The General Government is in no true sense of the term sovereign. It is not the source but the recipient of delegated powers. Within its prescribed sphere it is made paramount; beyond that powerless and non-existent. Its officials are the servants not the masters of the people; agents with limited authority and with none beyond the written grant; to exceed which is usurpation in them and a wrong against every State and every citizen. The submission of many States or individuals may prevent redress but cannot justify the transgression nor impair the rights of those who maintain the fundamental law.

If any administration arrogates to itself powers not delegated or without law harasses or oppresses the humblest of her citizens it is the duty of the State to hold up the Constitution, and in its name and in behalf of civil liberty and republican institutions to declare the usurpation and invoke its vindication. A free sovereign State she entered the Union through the Constitution she adopted. To this only she assented. She cannot be coerced into a new Constitution or a different Union by executive interpolation. When the compact is by force or fraud abrogated and the Union disrupted she stands freed from her compact, free to choose and establish a new national position.

Whether that point is reached it is useless to discuss. Neither the people of Maryland nor its government have taken any steps toward changing their national relations. As yet she is within the Constitution, fulfilling its requirements and asking only the privilege it professes to guarantee. Her Governor is loyal to the utmost; the Legislature has declared that it would not and could not pass an ordinance of secession and has done nothing in contravention of the Constitution or any known law. It has protested against what it deemed the arbitrary, illegal and dangerous policy of the Administration, and if in error it was responsible only to the people of Maryland and not amenable to reproof or punishment by the General Government.

Within our borders the Federal courts have always been open, their process unobstructed, their orders never resisted (but by Federal officials). Through their ordinary action every law of Congress could be enforced and every offense known to the code punished.

Yet Maryland by deliberate acts of the Administration has been outlawed; her government subverted; her laws disregarded and defied; her officers displaced; her municipal and police systems overthrown; her property seized, and force under the name of martial law has superseded the civil power. Her citizens are arrested without warrant; the security of their papers and effects violated; their right to keep and bear arms infringed, and freedom of speech and of the press not only abridged but suppressed.

Every man knows that these things are done in our midst; no honest man can deny that they are palpable breaches of the Constitution for no man can point to one line in that Constitution or to any law that authorizes, justifies or excuses them. Acts not so sanctioned are encroachments upon the reserved rights of the States and the people, and if prohibited are revolutionary. When the Government is not controlled by the paramount law, when it can do and does what that law does not permit or forbids it is unrestrained and absolute.

Wherever the law is superior to the ruler civil liberty exists; when the ruler is superior to the law; where at his discretion he can supersede, suspend or disobey it he is by whatever name he may be called despotic.

Believing that powers fatal to her rights as a State and destructive of the liberty of her citizens are exercised by those administering the General Government Maryland asks whence they are derived; asks to be shown the grant, and she is told that South Carolina has seceded and the cotton States are in rebellion.

But Maryland has not seceded, and unless its repudiation by South Carolina destroyed the Constitution our rights under it are not lost; if it is destroyed the Government, its creature, has ceased to exist.

We have next the much-abused maxim *inter arma silent leges* (in war the laws are silent), but we reply the Constitution was made for peace and for war and its voice is too potent to be drowned in the din of arms.

But "the Government must be maintained, the Constitution and the Union must be preserved." We answer to violate the Constitution in order to maintain it is a contradiction in terms—without it there is neither Union nor Government, which can exist only with it.

The President's oath is to maintain the Constitution not to preserve the Union in some other mode. We ask you, fellow-citizens, have you ever had or heard from the adherents of the Administration—the miscalled Union party—any other justification attempted? Or this eked out with grandiloquent platitudes about the stars and stripes, our flag and the eagle?

There is one more—the supreme law of necessity! Necessity for what and whence? If the necessity has been produced by the Administration instead of palliation it is but aggravation of its offenses. What then is this necessity? We are told that the seceding States have repudiated the Constitution and deserted the Union; they must be coerced to return to the one and to submit to the other. The Constitution gives no power to coerce a State; the power is indispensable, therefore we must usurp it.

In the Convention that framed the Constitution it was proposed to give the power to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof. Mr. Madison said:

> The more he reflected on the use of force the more he doubted the practicability, the justice and efficacy of it when applied to people collectively and not individually. An union of the States containing such an ingredient seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. Any government for the United States formed on the supposed practicability of using force against the unconstitutional proceedings of the States would prove as visionary and fallacious as the government of Congress.

Mr. Hamilton said:

> How can this force be exerted against the States collectively? It is impossible. It amounts to a war between the parties. Foreign powers will not be idle spectators. They will interpose; the confusion will increase, and a dissolution of the Union will ensue.

The power was not given.

In the war of 1812 Massachusetts refused to furnish her quota of troops and was not coerced. Recently Ohio refused to deliver up a fugitive from justice; the Federal courts decided that she was bound to do so by the Constitution but no department of the General Government had the right to coerce the State.

The necessity then does not grow out of the Constitution but is something exterior and superior to it, suspending its vitality, annulling alike its guarantees and its prohibitions and threatening its annihilation.

It involves too another extra-constitutional necessity—a war—a civil war, the consequences of which the Representative of this Congressional district so truthfully sketched in his speech* of February last which you have all read and most of you approved; a war that has already paralyzed the trade, commerce, manufactures and finances of the country—has imposed an onerous tax on property whose revenues it has destroyed—that is building up at the rate of more than $1,000,000 a day a public debt that will be an incubus on the people for ages, if not forever; that has reduced the ordinary revenues of the country to one-fourth the ordinary expenditures; that will bankrupt our State as it has annulled the rights of her citizens and abolished her sovereignty; that has covered the land with ruin, with mourning and desolation.

What has it accomplished in its half year's duration but loss of life and treasure and national honor? What can it effect but additional evil?

The President has told us that it cannot settle the issues that divided the North and the South. His more conservative adherents declare it is not waged for conquest or subjugation, whilst the abolition wing of his party frankly declares that its motive and its inevitable consequence is to emancipate the slave and destroy the South.

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* Foot-note in pamphlet, embodying an extract from Congressman Webster's speech on coercion, is omitted as unimportant.

Whatever the opinion elsewhere six months ago except a few isolated Republicans the citizens of Maryland almost to a man of every party denounced the coercive policy and a coercive war as fatal to the continuance or the restoration of the Union, and none more earnestly or persistently than the members and leaders of the Union party. We adhere to that opinion still. What reason have they found for renouncing a truth so indisputable?

But we are asked what good can the peace party do if they control the State? They cannot stop the war. We can and will at least refuse to aid in dragging Maryland into the slaughter-house. We can and will refuse at the bidding of the Administration to impose a war debt on her depleted treasury, to tax her citizens or to draft them for the battle-field. We can and will refuse to acknowledge that the Constitution is intermittent—performing or ceasing its functions at the will of the Executive. We can and will refuse to renounce the rights of our citizens or the sovereignty of the State, and will not by assenting to the exercise of powers not conferred by the Constitution admit that it is not supreme in war as well as in peace.

Our opponents on the other hand stand pledged to sustain the Government in its fatal coercive policy; in its most disastrous civil war; in its invasions of the Constitution; in its outrages on the rights of the citizens, and its negation of the rights of the State; in its doctrine of necessity well called the tyrant's plea that justifies equally the Austrian dungeon, the Siberian wilds and the casemates of Fort Lafayette, and knows no limit but an arbitrary will. They must uphold the necessary inventions of martial law, of political prisoners, of verbal treason, of permits to cross the Chesapeake or the Atlantic; they must furnish men and money, must levy taxes and impress citizens at the dictate of the Government whose right to coerce they admit and whose arms they cannot resist. For them there is no middle ground or halting place. They stultify themselves if they justify the demands of the Government and disobey them.

But they do not mean to disobey. They were eloquent and earnest in decrying coercion and war—demonstrating their folly and crime; predicting the horrors that have come to pass—until the Administration determined to coerce, and then in prudent blindness they turn from the fulfillment of their own prophecy; in submissive silence ignore the wrongs of their fellow-citizens or meekly declare that the Government is lenient because it has not done all the harm it might; it has let some innocent men escape from oppression it had no right to inflict. They shout loudly now perhaps to drown the still, small voice—the new watchword, war! to the last dollar and the last man.

They have already voted millions of dollars and half a million of men; already imposed their taxes, and the process must go on until the Government deigns to declare that it has its fill of war, the law of necessity is gratified and the Constitution may creep out into the sun. No State has yet determined to sustain the Government without creating a war debt.

Let us heed the warning of Kentucky and Missouri. Kentucky asserted absolute neutrality and just as long as her Governor and Legislature united to maintain it it was recognized by the Administration. A new Legislature determined not only to preserve this position (for which it was elected) but to strengthen it by supporting the Government also. At the word the Federal troops seized Paducah; the Confederates occupied Columbus; the Legislature rushed into the inevitable debt of two millions, and the soil of neutral Kentucky trembles

beneath the tramp of hostile armies. The convention of Missouri made for her a similar history and her fields are drenched with the blood of her sons!

We have addressed you thus freely in plain words that there may be no misunderstanding. We have not stooped to pick the delicate phrases of a new-fangled loyalty.

We do not counsel treasonable acts or combinations; we do not advise violence in conduct or unkindness in feeling; we abet no resistance to the law or its constituted authorities. But we think and say that we should not consult our fears rather than our consciences; we should not volunteer our substance to the taxgatherer or our hands to the fetters. If we are doomed let us not be suicides. Whilst we are permitted to speak let us speak boldly for the truth and justice and civil liberty; whilst we are permitted to vote let us declare by our ballots that we cling to State rights as the only barrier to oppression and that we know no necessity superior to the Constitution.

Let us continue to advise as the Union party did in February last "that if it be found we cannot live together in harmony under the Constitution our fathers framed let us as brethren agree to part in peace," and to disclaim indignantly the doctrine of coercion by arms.

If we cannot command let us at least invoke the blessings of peace—peace to a distracted land which partisan sectionalism has summoned to hatred and slaughter! Peace for the sake of those republican institutions which our forefathers left us and which are sinking fast in the red abyss of civil war! Peace for the sake of palsied labor and idle trade! Peace for our good old State, distracted and prostrate, doomed else to be the prize as she is daily more and more the victim of war!

H. D. FARNANDIS.
JOSHUA WILSON.
WM. B. STEPHENSON.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, October 29, 1861.

Maj. Gen. N. P. BANKS,
Commanding Division, Muddy Branch, Md.

GENERAL: There is an apprehension among Union citizens in many parts of Maryland of an attempt at interference with their rights of suffrage by disunion citizens on the occasion of the election to take place on the 6th of November next.

In order to prevent this the major-general commanding directs that you send detachments of a sufficient number of men to the different points in your vicinity where the elections are to be held to protect the Union voters and to see that no disunionists are allowed to intimidate them or in any way to interfere with their rights.

He also desires you to arrest and hold in confinement till after the election all disunionists who are known to have returned from Virginia recently and who show themselves at the polls, and to guard effectually against any invasion of the peace and order of the election. For the purpose of carrying out these instructions you are authorized to suspend the habeas corpus. General Stone has received similar instructions to these. You will please confer with him as to the particular points that each shall take the control of.

I am, sir, very respectfully, your obedient servant,

R. B. MARCY,
Chief of Staff.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., November 1, 1861.

DANIEL ENGEL and WILLIAM ECKER,
Inspectors of Election, New Windsor.

GENTLEMEN: I have received your letter of the 29th ultimo asking me to issue a proclamation authorizing you to administer to all persons of doubtful loyalty who offer their votes at the approaching election an oath to support the Constitu ion of the United States. If I had the power I would most cheerfully do so for no one who is false to the Government ought to be allowed to vote. But the constitution and laws of Maryland provide for the exercise of the elective franchise by regulations with which I have no right to interfere. I have this day issued an order of which I inclose a copy to the U. S. marshal and the provost-marshal at Baltimore to arrest any persons who have been in arms in Virginia if they appear at the polls and attempt to vote as we are told some such persons intend, and to take into custody all who aid and abet them in their treasonable designs; and I have requested the judges of election in case any such person presents himself at the polls and attempts to vote to commit him until he can be taken into custody by the authority of the United States.

I consider it of the utmost importance that the election should be a fair one and that there should be no obstruction to the free and full expression of the voice of the people of the State believing as I do that it will be decidedly in favor of the Union. But it is in the power of the judges of election under the authority given them to satisfy themselves as to the qualifications of the voters—to put to those who offer to poll such searching questions in regard to residence and citizenship as to detect traitors and without any violation of the constitution or laws of Maryland to prevent the pollution of the ballot boxes by their votes.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

[Inclosure.]

PROCLAMATION.

HEADQUARTERS, *Baltimore, November 1, 1861.*

TO THE U. S. MARSHAL OF MARYLAND AND THE PROVOST-MARSHAL OF THE CITY OF BALTIMORE:

Information has come to my knowledge that certain individuals who formerly resided in this State and are known to have been recently in Virginia bearing arms against the authority and the forces of the United States have returned to their former homes with the intention of taking part in the election of the 6th of November instant, thus carrying out at the polls the treason they have committed in the field. There is reason also to believe that other individuals lately residents of Maryland who have been engaged in similar acts of hostility to the United States or in actively aiding and abetting those in arms against the United States are about to participate in the election for the same treacherous purpose with the hope of carrying over the State by disloyal votes to the cause of rebellion and treason.

I therefore by virtue of the authority vested in me to arrest all persons in rebellion against the United States require you to take into custody all such persons in any of the election districts or precincts in which they may appear at the polls to effect their criminal attempts to

convert the elective franchise into an engine for the subversion of the Government and for the encouragement and support of its enemies. In furtherance of this object I request the judges of election of the several districts and precincts of the State in case any such person shall present himself and offer his vote to commit him until he can be taken into custody by the authority of the United States. And I call on all good and loyal citizens to support the judges of election, the U. S. marshal and his deputies and the provost-marshal of Baltimore and the police in their efforts to secure a free and fair expression of the voice of the people of Maryland and at the same time to prevent the ballot boxes from being polluted by treasonable votes.

JOHN A. DIX,
Major-General, Commanding.

BALTIMORE, *November 4, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

MY DEAR SIR: At the instance of some of the immediate personal friends of Mr. Wallis I have prepared a statement embodying the substance of several interviews between him and me in relation to the probable action of the Legislature of Maryland upon the question of secession from the Union; and the statement was applied for and prepared for the purpose of being forwarded to you.

Shortly after the arrest of Mr. Wallis* and others I went several times to Washington for the purpose of having with you if the opportunity should occur a full and frank conversation in relation to all the citizens of Maryland who were detained as prisoners of state. Your numerous engagements prevented me from seeing you although besides calling at the Department I called repeatedly at your private residence.

I have always said and have said truly I am sure that the various arrests made in Maryland by the orders of the heads of the department were made on the basis of representations which the officers of Government were not at liberty to disregard and for the full investigation of which before taking action thereon there was neither time nor opportunity. But I wished to say in the desired interview that I was myself satisfied from my personal knowledge of many of the gentlemen who had been arrested that they were unjustly accused, and that I had the fullest confidence that you would come to that conclusion if the cases were fully investigated, and I meant to ask on behalf of all that the case of each of them should be examined as early as possible; that is without any delay not actually unavoidable. I desired also to state to you so far as I could do so from personal knowledge some of the reasons which induced me so earnestly to desire the liberation of gentlemen from unnecessary detention at the earliest practicable moment. Failing to find you disengaged I had on the occasion of my last visit a brief interview with the Assistant Secretary of State, by whom I was assured that all the cases would be examined without unnecessary delay.

I should be wanting in candor if I did not say that there are undoubtedly in Maryland a great number of persons who sympathize strongly with the South. I deeply lament that such is the fact. At the same time I have always believed that the great body of our people are loyal in their feelings, and that there never was a moment when Maryland could have been forced into secession, even if the

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*See p. 667 for arrest of Wallis and other members of the Maryland Legislature.

General Government had not interfered. But it is right that I should further add that I am not aware nor do I believe that either the mayor,* the police commissioners, the marshal or any one of the arrested members of the Legislature have done anything whatever beyond speaking or writing in favor of secession.

Faithfully, &c.,

WM. SCHLEY.

[Inclosure.]

BALTIMORE, *November 4, 1861.*

Having been requested to state in writing the substance of several conversations which took place between Hon. S. Teackle Wallis and me in relation to the probable action of the Legislature of Maryland upon the question of secession from the Union I now proceed to do so.

Before the Legislature had convened in compliance with the proclamation of the Governor, but after Mr. Wallis had been chosen as one of the representatives from Baltimore to the House of Delegates, I was at his office on professional business and during the interview we conversed on several political topics, and amongst these we considered the probable action of the Legislature. I was greatly pleased to find that Mr. Wallis concurred with me in the opinion that the Legislature had no right to commit the people of Maryland on this question, and that apart from the want of constitutional power to act in the premises the attempt to do so would be highly pernicious. When therefore I received a copy of the report of the highly respectable committee of which Mr. Wallis was the chairman I was not at all surprised for I expected such result.

At a subsequent period and after the Legislature had adjourned and reassembled, and had again adjourned to meet in September, the opinion was expressed by many persons that there was a concealed purpose on the part of that body to commit the people of Maryland to secession from the Union. I reached Baltimore on the afternoon of the 31st of August, after having been absent in Allegany County with my family (who were sojourning there as usual for the summer) for nearly a month. It happened that I saw and conversed that same afternoon with a great number of persons, and some gentlemen of much intelligence and respectability seemed to have come to the fixed conclusion that there was a deep-laid scheme to embroil the people of Maryland through the action of the Legislature with the General Government, and thus eventually to place Maryland with the Confederate States in opposition to the Union. I did not concur in these apprehensions, and amongst other reasons I stated that I had had very satisfactory interviews with Mr. Wallis and with Mr. Pitts and had full confidence in both, and that it was not to be credited that the Legislature of Maryland after having adopted almost unanimously resolutions against secession would swallow their own words, and that from my personal knowledge of the members generally I felt that reliance might safely be placed on their personal honor that they would not attempt to accomplish *per ambages* an object which they were unwilling openly to avow.

On the following day (which was Sunday, the 1st of September) I encountered Mr. Wallis on the pavement in front of my dwelling and stated to him what I had heard and what reply I had made, and added

* See p. 619 for arrest of the mayor, marshal and police commissioners of Baltimore.

with some emphasis that if there was any such plan on foot that I would myself rouse the people of Maryland from one end of the State to the other, and would resist and put down the movement; and I further added that I intended to call upon him on the following day and have some conversation with him on the subject. The reply of Mr. Wallis was made in the blandest manner, and I felt that I had not expressed myself in the same calm temper. He assured me that I had done him simple justice; that he had no knowledge nor information that any such movement was in contemplation, and that he had not previously heard of the suspicion, and that if any such movement was attempted he would certainly oppose it to the utmost of his power.

Although I was quite satisfied with his assurance I thought it might be well in order to allay apprehensions of others to procure from Mr. Wallis something in writing and in a form to be published in the papers. And I went immediately to my private office and wrote a letter addressed to Mr. Wallis which I carried next morning to his office. After a full, frank and friendly conversation I stated to Mr. Wallis that I had in my pocket a letter addressed to him written by me and which I had intended to deliver so as to draw a reply for publication; but that I would not deliver it for two reasons which I assigned—firstly, that the call upon him to speak his own views as to the anticipated action of the Legislature would be disrespectful to him after the clear language of his report, and would cast unwarranted suspicion on the members of the Legislature generally, and for many of whom I had sincere respect; secondly, because I had personally great repugnance to any unnecessary appearance in the public papers.

I left Mr. Wallis on this last occasion with the expression of an earnest hope that as there was really no public matter requiring attention at the time that the Legislature would promptly adjourn. He fully concurred in the propriety of an early adjounment, and I am convinced that if the Legislature had met he would have urged an early adjournment.

WM. SCHLEY.

HEADQUARTERS FIRST BRIGADE, CASEY'S DIVISION,
Bladensburg, November 9, 1861.

Capt. H. W. SMITH, *Assistant Adjutant-General.*

CAPTAIN: In accordance with General Casey's instructions I have the honor to submit the following report of my expedition to the lower counties of Maryland:

* * * * * * *

Throughout Calvert County I found very warm receptions from Union men and others. At Prince Frederick alone was there any open attempt of violence directed toward Union men. The following persons were arrested: Hon. Augustus R. Sollers, ex-M. C. He used the most violent and treasonable language, drew a large knife and cut to the right and left. He was secured and brought in by Colonel Welch to Lower Marlborough where he was taken so ill with gout that I could not bring him but left him on his parole to report at Washington as soon as he is able to move. Mervin B. Hance, Walter Hellen, William D. Williams and John Broome were arrested charged with treasonable language and with carrying weapons. They also were brought to Lower Marlborough. I released them under oath of fealty and that they had not borne arms against our forces.

At Lower Marlborough Colonel Rodman made several arrests but subsequently released the individuals. They had been disorderly while under the influence of strong drink.

At Saint Leonard's all went off very quietly without any arrest.

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Very respectfully, your obedient servant,

O. O. HOWARD,
Brigadier-General, Commanding.

HEADQUARTERS,
Baltimore, Md., November 12, 1861.

Brig. Gen. H. H. LOCKWOOD, *Comdg. Expedition to Eastern Shore.*

GENERAL: I have just seen with great surprise and regret a memoranda of an order said to have been issued by Major Andrews, of the Second Delaware Volunteers, to Captain Moorehouse of the said regiment, under which order a very respectable member of the bar of Worcester county, Mr. E. K. Wilson, of Snow Hill, has been arrested. The memoranda states in substance that—

All persons who have lately uttered expressions of hostility to the Government or have spoken disrespectfully of the President of the United States are to be arrested and detained in camp.

If it be so I wish to stamp the whole transaction with my most marked disapprobation and I believe there is no man in the United States who would be more annoyed by it than the President himself. It is in direct violation of the instructions I have given and is calculated to defeat our efforts to show the people of Maryland of all classes that their rights of person and property are not only to be scrupulously respected but protected instead of being invaded by the military forces we have sent among them. No arrest is to be made without your special order in each case and then only for overt acts and giving aid and comfort to the enemy.

I am well aware that such an order has not had your approval and I should direct the officer who issued it to be arrested if I were not sure that it originated in mistaken zeal. You will please have it rescinded and do all in your power to repair the wrong done under it. And I request your especial and prompt attention to Mr. Wilson's case, leaving it to your discretion and good judgment to do what is right. If his alleged offense is no more than the alleged memoranda above stated specifies he should be instantly discharged. Our mission is not to annoy or invade any personal rights but to correct misapprehension in regard to the intentions of the Government. And while all open acts of hostility are to be punished we should labor to win back those who have separated themselves from us through a misunderstanding in regard to our motives and objects by kindness and conciliation, and above all by rigid abstinence from all invasion of their constitutional and legal rights.

I am, general, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE,
Washington, November 26, 1861.

JOHN S. KEYES, Esq., *U. S. Marshal, Boston, Mass.*

SIR: Herewith I inclose several orders for the release of prisoners from Fort Warren which I will thank you to execute. Representations have been made to this Department that a certain person who obtained

a permit to visit the political prisoners confined in the several forts has abused the privilege by seeking to be employed as an attorney to intercede for their release from confinement. You will therefore please inform all the prisoners confined at Fort Warren that this Department will not recognize any person as an attorney in such cases, and that if the fact comes to the knowledge of the Department that any prisoner has agreed to pay to any attorney a sum of money or to give to him anything of value as a consideration for interceding for the release of such prisoner that fact will be held as an additional reason for continuing the confinement of such person. You will also please say to the prisoners that it is the wish of the Government that they should communicate whatever they may have to say directly to this Department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NOTE.—John L. Bouldin, Robert Rae, A. R. Carter, Charles D. French, Thomas Shields, George Thompson, S. B. Frost, A. Williamson, David H. Lucchesi, William G. Harrison,* John J. Heckart,* Leonard G. Quinlan,* George W. Landing* and William E. Salmon* were released. Subsequently on substantially the same terms Andrew Kessler,* Thomas J. Claggett,* J. Lawrence Jones,* Dr. Andrew A. Lynch,* Charles H. Pitts,* J. Hanson Thomas,* Clarke J. Durant,* P. F. Rasin* and Robert M. Denison* were ordered to be released. For some of them the form of oath was modified.

BALTIMORE, *December 9, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: I would advise you to keep a sharp lookout for Mr. Henry May, M. C., and Mr. Vallandigham, as they in all probability will use every means in their power to render aid to the Southern rebels, and if circumstances were favorable to their cause would go off as Mr. Breckinridge did, as while he (Breckinridge) was in this city they were on the speaker's stand with him giving aid and countenance to his treason and were also announced to speak after him, and I have no doubt but what they would have given utterance to the same wicked and treacherous sentiments if they had been permitted. For a number of days thereafter they all three with other rebels were loitering about the city, and took a private boat and went down the river and around Fort McHenry taking observations, and I have every reason to believe that one is as guilty as the other, and Mr. Breckinridge has shown conclusively what he is.

I fear too much confidence is placed in the loyalty of Baltimoreans. I am sure that the rebel spirit here if not closely watched is as dangerous as ever; that many persons professing loyalty are base traitors to their country, and unfortunately some few such are kept in office under the Government. I have been a close observer and have had some opportunities to know. I have been engaged since April last in attending to the wants of soldiers, carrying water and such like and nothing else. About the 19th April last I with others were threatened with violence, but I told them publicly on that day and at the risk of violence that the Stars and Stripes would be perpetuated, and that the time would come when many of them would be hung, and that I was a candidate for hangman general, and as I was one of the number who

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* Members of the Maryland Legislature. Order releasing remainder of the imprisoned members will be found at p. 748. See "Arrest and Detention of Certain Members of the Maryland Legislature," p. 667 *et seq.*

voted for Abraham Lincoln I found there was no chance for anything else in Baltimore, consequently I urge my claims on the Government.

Your most obedient servant,

G. A. FARQUHAR,
An old Correspondent.

PRINCE FREDERICKTOWN, CALVERT COUNTY, MD.
(Received December 9.)

Governor SEWARD.

DEAR SIR: I received a few days since a letter from my friend, the Hon. Reverdy Johnson, inclosing a note from you in which you direct me to report to you at the State Department at my convenience and in the meantime remain upon my parole. The same day you wrote this I was discharged from arrest by General Dix in Baltimore who kindly investigated my case. I had been very ill a few days previous to my arrival in Baltimore whither I had gone the moment I was able to leave my bed on my way to Washington to report myself to General Casey according to the order of General Howard. My friend Mr. William Price called upon General Dix and explained to him the circumstances under which I was arrested and the charges alleged against me and showed him the most ample proof in refutation of them, upon which I was sent for by the general who after requiring me to take the oath of allegiance (which I most cheerfully and willingly did) promptly discharged me. I take it for granted that after this that I shall not be required to report myself at the State Department.

The truth is, Governor Seward, my arrest was a simple outrage only to be excused upon the ground of over zeal in the officer who ordered it. He declared here he had no orders from Washington to arrest me, but that since he had arrived he had been informed that I and others had formed a plan to take the polls on the day of the election and prevent the Union men from voting. Now this may have been told Colonel Welch, but it was as pure a fabrication as ever was invented by wit and malice combined, and I have certificates and affidavits from nearly all the leading Union men in the district and county to that effect. The truth is I took no part in the election; never attended a public meeting and never publicly or even privately expressed any opinion about it, or the questions upon which the canvass was.

Colonel Welch says he was also informed that I had forced my son to go to Virginia and join the Confederate Army. This is equally false, and I produced to General Dix abundant proof of this. My son and my only son did join the Confederate Army, but against my earnest entreaties and the tears of his mother and sisters. I commanded him not to go. I held out every inducement for him to remain that I was able to hold out. In truth when he did go I denounced him for doing so and ordered him to hold no further intercourse with me or any of the family. But he was twenty-four years old and beyond my authority.

These are the charges against me. "The very head and front of my offending hath this extent, no more." I have before heard of this last charge and that it had been brought against me in Washington, and when the First Massachusetts Regiment under Colonel Cowdin visited this county some two months ago they sought to arrest me. I was driven from my home, family and business and lived in the woods for weeks. They visited my house the night of their arrival and searched for me; they placed a guard of 150 men around it; they killed my hogs, sheep, poultry and wantonly shot the best horse on the farm, for all of which I was never offered a cent nor have I since received a cent.

Now, all this has been endured by as loyal a citizen as any in this State; so help me Heaven I have never perpetrated or dreamt of perpetrating an act that malice could construe into treason, for I hold that allegiance and protection are reciprocal obligations and that it is both treasonable and dishonorable for a citizen living under the protection of the Government to assist or aid in any way the enemies of that Government. God knows I have not received much of its protection lately; but notwithstanding all my persecutions I have sternly refused (although importuned very often to do so) to aid those in arms against the Government. Many persons have passed through this county on their way to Virginia, and contraband of many kinds have also been sent by the same route and I have been called upon to assist in the work. I have always refused to have anything to do with such matters, and have even refused to let strangers enter my house when I suspected where they were going.

For all this I have incurred the displeasure of some of my best friends and looked upon with suspicion and distrust by many others. But for my loyalty I have received nothing but persecution; I have been driven from home, my property destroyed, my family harassed and insulted, and finally arrested. True, I have been discharged but the next regiment that visits the county will be told the same tales by some poor timid wretches who in that way seek the favor and protection of the officers and I shall be again arrested.

Now, sir, it is on this account I have written you this long letter. Am I not entitled to the protection of the Government? And will you not under all the circumstances I have mentioned give me in some form that protection? I entreat you as an act of simple justice to send me something that I may show to whoever seeks to arrest me. Without this I shall not feel safe for a moment, and must again leave home upon the arrival of troops. Be kind enough to excuse me for troubling you with this long letter, but I could not say less with justice to myself.

Very respectfully,

AUG. R. SOLLERS.

P. S.—It may be right for me to say that I do not believe that either men or contraband of any description have passed through this county for the last two months, nor do I think any will as long as any troops remain in Charles and Saint Mary's Counties, through one of which they must pass to reach the Potomac.

A. R. S.

HEADQUARTERS,
Baltimore, December 13, 1861.

Maj. Gen. G. B. McCLELLAN, *Commanding the Army.*

GENERAL: Brigadier-General Lockwood summoned the magistrates and other persons in authority in Accomack County to meet him on Monday last at Drummondtown and all present took the oath of allegiance. The smaller officers immediately followed the example. He has ere this gone to Northampton County where the same course will be pursued. He has made but one arrest, the commonwealth's attorney, who went to Virginia and returned very defiant and untractable. He is at Fort McHenry. It may be necessary though I hope not to make a few more examples.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

Draft of a proclamation by the President of the United States found among the files of the State Department.*

In view of the recent declaration of the people of Maryland of their adhesion to the Union so distinctly made in their recent election, the President directs that all the political prisoners who having heretofore been arrested in that State are now detained in military custody by the President's authority be released from their imprisonment on the following conditions, namely: That if they were holding any civil or military offices when arrested the terms of which have not expired they shall not resume or reclaim such offices; and secondly, all persons availing themselves of this proclamation shall engage by oath or parole of honor to maintain the Union and the Constitution of the United States, and in no way to aid or abet by arms, counsel, conversation or information of any kind the existing insurrection against the Government of the United States.

To guard against misapprehension it is proper to state that this proclamation does not apply to prisoners of war.

HEADQUARTERS,
Baltimore, January 23, 1862.

Hon. ROBERT C. WINTHROP.

SIR: I have the pleasure of sending to you for the Massachusetts Historical Society the collection of secession emblems I have made, and which I referred to in a former letter.

First. A secession flag. This flag was taken from a party of men near North Point, where the British Army landed in 1814. They were on their way to the insurgent States. The flag was found in the carpet-bag of Mr. George A. Appleton, a young gentleman of this city, about eighteen years of age, a grandson of Colonel Armistead, who defended Fort McHenry at the time the Star Spangled Banner was written. Young Appleton was sent out of Fort McHenry on the anniversary of the battle of North Point for infidelity to the same flag, and was imprisoned for some time at Fort Columbus, in the Harbor of New York, and more recently at Fort Warren, in the Harbor of Boston. He is now in this city awaiting the action of the Government in his case.

Second. A flag representing the arms of the Colony of Maryland. This flag was flying over a building which was a place of resort for certain disloyal members of the old Kane police after their disbandment by the order of the Federal Government. They dared not use the secession flag and this was adopted by them as a substitute. It was first noticed by Colonel Wyman, of the Sixteenth Regiment Massachusetts Volunteers, who called the attention of the police to it. I inclose a letter† from George R. Dodge, esq., provost-marshal of Baltimore, concerning both these flags.

Third. A pair of secession slippers taken by the police from a person on his way to the shoemaker to have them made up.

Fourth. A secession cap taken from R. H. Bigger, a prisoner now in Fort Warren, who was taken into custody in Baltimore while secretly recruiting for the insurgent army.

Fifth. A great variety of secession emblems, songs, envelopes, cockades, &c.

I am, very respectfully, your obedient servant,

JOHN A. DIX.
Major-General.

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*This draft is neither dated nor signed, but it is marked "File: January 1, 1862."
†Not inclosed.

ATTORNEY-GENERAL'S OFFICE, *February 17, 1862.*

WILLIAM MEADE ADDISON, Esq.,
U. S. Attorney, Baltimore, Md.

SIR: I have every disposition to deal as leniently as possible with John Henderson, jr. In that spirit I have had some conversation about him with others connected with the Government here on view of the documents you sent me not long ago. The main difficulty seems to be this: How a man of Mr. Henderson's reputed intelligence could in a moment of high popular excitement and threatened insurrection proceed to destroy the buoys (the Government guides into and out of the port) on no better warrant than an order of one Major Trimble, who pretends to act by authority of the mayor. It is assumed by some and I find it hard to convert the idea that a man of Mr. Henderson's intelligence must have known that it was a crime in Major Trimble and in the mayor of Baltimore to do the thing, and therefore that the order itself was insurrectionary and hostile to the Government. If you can state any further facts which may rebut this presumption, I will willingly receive and act upon them.

With great respect, your obedient servant,

EDWARD BATES,
Attorney-General.

HEADQUARTERS, *Baltimore, February 21, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Dr. Alexander C. Robinson, Mr. John C. Brune and William H. Norris fled from this city last fall while orders were in the hands of the police for their arrest. Mr. Brune was to have been arrested with certain other members of the Legislature, nearly all of whom have been released. Doctor Robinson and Mr. Norris had committed no particular acts of hostility to the Government subsequently to the 19th of April last but were offensive in their conduct and conversation as secessionists. I know no reason why these men should not return home, and if you will authorize me I will advise their friends that they can do so reporting to me and giving the parole required by your order of the 14th instant.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS, *Baltimore, February 27, 1862.*

Brig. Gen. JOHN P. HATCH, *Annapolis.*

SIR: I am directed by Major-General Dix to state to you that complaints have been received by him of arrests having been made by Captain Bragg at Friendship in Anne Arundel County. Herewith inclosed is a copy of the letter of instructions* to Colonel Morris. It was as you perceive never contemplated by Major-General Dix that arrests should be made without his express authority and he suggests the propriety of relieving Captain Bragg and sending a more prudent and discreet officer in his place. He will, however, leave this to your judgment. Please communicate to these headquarters any information you may be able to obtain relating to these reported arrests and take steps to carry out the original instructions to Colonel Morris.

By command of Major-General Dix:

WM. H. LUDLOW,
Major and Aide-de-Camp.

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* Not inclosed.

HEADQUARTERS, *Baltimore, March 17, 1862.*

The POLICE COMMISSIONERS, *City of Baltimore.*

GENTLEMEN: In behalf of the Government of the United States I give notice that the police force established under its authority will be placed under your control on the 20th instant. In making this communication to you I respectfully request the retention of Mr. McPhail, whose great executive ability has been of incalculable service to the Government. There is still as you are well aware a suppressed feeling of disloyalty in a portion of the population of this city, and I deem it of the utmost importance to the Government that Mr. McPhail should be retained on account of his familiar acquaintance with the transactions of the last eight months and the public necessities which have grown out of those transactions and which still continue to exist.

I am, gentlemen, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

Arrest of the Mayor, Marshal and Police Commissioners of Baltimore by the Military Authorities.

Memoranda from Record Book, State Department, "Arrests for Disloyalty."

George William Brown* of Baltimore, mayor of said city, was arrested by military authority on or about the 13th day of September, 1861, and was delivered by Major-General Dix to the custody of Major-General Wool at Fort Monroe on the 14th day of September, 1861, by order from the War Department. He was afterward transferred to Fort Lafayette by order of Lieutenant-General Scott and still later to Fort Warren. There are no papers in the State Department showing the precise character of the charges against Brown. The action of the Department in regard to this person has been upon applications to visit him and to release him upon parole or otherwise; in all which the advice of the military department in which he resided and was arrested has been taken as a guide. On the 4th day of December, 1861, Brown was released from confinement on his parole not to leave the New England States nor to do any act hostile or injurious to the United States. The duration of his release and parole was limited to thirty days. On the 4th day of January, 1862, Brown surrendered himself according to the conditions of his parole, but was not recommitted to Fort Warren till January 14, till which time correspondence was taking place in relation to an extension of his parole or his release upon other terms. He was offered an extension of his parole for ninety days but declined it and was recommitted to Fort Warren on the 14th day of January, 1862, as aforesaid. The said George William Brown remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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* Brown was arrested with the members of the legislature some two months subsequent to the arrest of the Baltimore police commissioners. The order finally releasing Brown, Kane, Howard, and Gatchell will be found at p. 748. Davis had previously been released by General Dix on parole, which parole was renewed about January 18, 1862, indefinitely. See p. 667 *et seq.* for correspondence, etc., relating to the arrest of certain members of the Maryland legislature.—COMPILER.

George P. Kane, marshal of police of Baltimore, was arrested on the 27th of June, 1861, by Major-General Banks and confined at Fort McHenry from whence he was transferred to Fort Lafayette and afterward to Fort Columbus and Fort Warren. Kane was notoriously in deep sympathy with the rebels and his arrest was a measure of military precaution. No testimony has been furnished to the State Department by the military department at Baltimore of any specific acts of disloyalty by Kane. November 27, 1861, Kane being then confined at Fort Warren was released for three weeks on his parole to attend the funeral of his father-in-law at the expiration of which time he returned to Fort Warren where he remained in custody February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Charles Howard was one of the Baltimore police commissioners, notoriously disloyal and in deep collusion with the rebels, having several sons in their military service with his avowed approbation. In a letter dated November 14, 1861, he states that he was arrested on the morning of the 1st of July, 1861, by an order of Major-General Banks acting as he stated under instructions from the War Department. He was confined at Fort McHenry but afterward transferred to Fort Lafayette and thence to Fort Warren. On the 14th of November, 1861, he was asked by direction of the Secretary of State if he would be willing to take the oath of allegiance to the Constitution and Government of the United States if he should be set at liberty. He replied formally in writing that he would not. So far as the Department of State is advised the arrest and detention of Charles Howard seem to have been military precautionary measures founded upon his well-known sympathies with treason. The said Howard remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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William H. Gatchell was one of the board of commissioners of police of Baltimore, universally known and admitted to be disloyal and in deep sympathy with the rebellion. He was arrested on the 1st of July, 1861, by order of Major-General Banks and confined at Fort McHenry from whence he was transferred to Fort Lafayette and subsequently to Fort Warren. This arrest was made as a measure of military precaution to guard against the abuse of authority in furtherance of the interests of the insurrection to which the police commissioners were contributing all their exertions. The said Gatchell remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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John W. Davis was one of the police commissioners of Baltimore, notoriously disloyal and in deep collusion with the rebellion. He was arrested on the 1st day of July, 1861, by order of Major-General Banks and confined in Fort McHenry until removed to Fort Lafayette whence he was afterward transferred to Fort Warren. When asked in November, 1861, by direction of the Secretary of State if he would be willing to take the oath of allegiance to the Constitution and Government of the United States if he should be set at liberty he evaded an

answer. On the 19th of December, 1861, General Dix recommended that Davis be granted leave of absence from Fort Warren for thirty days on his parole. This was done. On the 16th of January, 1862, Major-General Dix recommended that Davis' parole be extended and modified so that he should only be required to report to General Dix when directed so to do. This indulgence was also granted. The arrest and detention of John W. Davis were purely military precautionary measures founded upon his known sympathies with treason, so far as the State Department is advised. The said Davis is now at large upon his parole given to Major-General Dix, the form and precise conditions whereof do not appear to have been made known to the State Department.

HEADQUARTERS OF THE ARMY,
Washington, June 24, 1861.

Maj. Gen. N. P. BANKS, U. S. Army.

SIR: Mr. Snethen, of Baltimore, a gentleman of standing, will deliver to you this communication. He has just given to the Secretary of War and myself many important facts touching the subject of [the] Union in that city. It is confirmed by him that among the citizens the secessionists if not the most numerous are by far more active and effective than the supporters of the Federal Government.

It is the opinion of the Secretary of War and I need not add my own that the blow should be early struck to carry consternation into the ranks of our numerous enemies about you. Accordingly it seems desirable that you should take measures quietly to seize at once and securely hold the four members of the Baltimore police board, viz, Charles Howard, Wm. H. Gatchell, J. W. Davis and C. D. Hinks, esqs., together with the chief of the police, G. P. Kane. It is further suggested that you appoint a provost-marshal to superintend and cause to be executed the police law provided by the Legislature of Maryland for Baltimore.

Your discretion and firmness are equally relied upon for the due execution of the foregoing views.

I remain, sir, with great respect, yours truly,
WINFIELD SCOTT.

WASHINGTON, *June 25, 1861.*

Maj. Gen. N. P. BANKS, U. S. Army,
Commanding Department of Annapolis, Fort McHenry, Md.

SIR: The general-in-chief has heard that on several occasions when troops have arrived in Baltimore from the North the police and others have interfered to prevent friendly persons from furnishing them with water at the depot. Two worthy Quakers named William Robinson and James D. Graham have it seems been threatened with violence for no other cause than this. The general asks your attention to this matter and suggests that by having a detachment of your troops at the depot at the proper time the regiments arriving might be duly supplied with water.

I am, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,
Assistant Adjutant-General.

BALTIMORE, *June 27, 1861.*

WILLIAM H. SEWARD:

George P. Kane, marshal of police, was arrested at 3 o'clock this morning by a detachment of troops. The marshal was in bed at his residence. The arrest was effected without excitement. The policemen on the route were taken into custody to prevent an alarm. Kane was taken to Fort McHenry where he is now confined. On arriving at the fort the police officers were released. The arrest is not generally known. No excitement manifested.

MARRIOTT BOSWELL.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
July 1, 1861.

Col. EDWARD F. JONES,
Sixth Regiment Massachusetts Volunteers.

SIR: Major-General Banks directs that you will proceed with a detachment of nine companies of your regiment immediately upon receipt of this order to the residence of Mr. Charles Howard, late a member of the board of police commissioners, or wherever else he may be found and him the said Howard arrest and securely hold and bring him to Fort McHenry in this department without fail; for all of which these presents and orders shall be your full warrant and authority.

I am, very respectfully, your obedient servant,

ROBT. WILLIAMS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
July 1, 1861.

Col. WILLIAM D. LEWIS,
Eighteenth Regiment Pennsylvania Volunteers.

SIR: Major-General Banks directs that you proceed with a detachment of four companies of your regiment immediately upon receipt of this order to the residence of Mr. William H. Gatchell, late a member of the board of police commissioners, or wherever else he may be found and him the said Gatchell arrest and securely hold and bring him to Fort McHenry in this department without fail; for all of which these presents and orders shall be your full warrant and authority.

I am, very respectfully, your obedient servant,

ROBT. WILLIAMS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
July 1, 1861.

Col. TURNER G. MOREHEAD,
Twenty-second Regiment Pennsylvania Volunteers.

SIR: Major-General Banks directs that you proceed with a detachment of seven companies of your regiment immediately upon the receipt of these orders to the residences of Messrs. John W. Davis and Charles D. Hinks, late members of the board of police commissioners, or

wherever else they may be found and they the said Davis and Hinks arrest and securely hold and bring them to Fort McHenry in this department without fail; for all of which these presents and orders shall be your full warrant and authority.

I am, very respectfully, your obedient servant,

ROBT. WILLIAMS,
Assistant Adjutant-General.

BALTIMORE, *July 1, 1861.*

Lieutenant-General SCOTT:

The board of police was arrested this morning at 4 o'clock. Troops have been stationed at the principal squares of the city. All is perfectly quiet. We greatly need cavalry for patrol duty.

N. P. BANKS.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Fort McHenry, July 1, 1861.

Lieutenant-General SCOTT,
Commander-in-Chief of the Army.

GENERAL: In pursuance of orders of the 24th ultimo received from your department I arrested and now detain in custody of the United States Mr. George P. Kane, chief of police of the city of Baltimore. Mr. Kane was arrested on the morning of the 27th ultimo. The strong position he held as the head of a large body of armed men posted in different parts of the city who might be summoned together without loss of time, and the necessity of succeeding in the arrest if attempted made it impracticable in my judgment in view of all facts to undertake at the same time the execution of other parts of this order.

The arrest of the chief of police and the suspension of the powers of the board of police were announced to the people of Baltimore in a proclamation dated the 27th June, a copy of which is herewith inclosed. Upon the arrest of the chief of police Col. John R. Kenly, of the First Maryland Regiment, was appointed provost-marshal within and for the city of Baltimore who entered at once upon his duties. Subsequent to a recognition and protest against the suspension of their functions by the board of police they declared in resolutions formally adopted and published that the police law itself had been suspended and the officers and men discharged from duty for the present, holding them at the same time to be subject to their orders both now and hereafter. Colonel Kenly was obliged immediately to organize a force of 400 men to serve as police officers in order that the city should not be entirely divested of all police protection, which with the aid of many loyal citizens was effected and the men sworn to the just performance of their duty in the course of a few hours.

The city has remained in perfect order and quiet since the organization of the new police. The headquarters of the police when vacated by the officers appointed by the board resembled a concealed arsenal. Large quantities of arms and ammunition were found secreted in such places and with such skill as to forbid the thought of their being held for just or lawful purposes. An inventory of the arms and ammunition will be forwarded. Colonel Kenly has performed his duties as provost-marshal in the most prompt, faithful and discreet manner.

This morning at 4 o'clock the members of the board of police were arrested by my order and together with the chief of police are now securely held in custody by Major Morris, commanding officer at Fort McHenry, in behalf of the Government of the United States. The persons arrested are Messrs. Charles Howard, president of the board, William H. Gatchell, Charles D. Hinks and John W. Davis, being all its members except the mayor of the city who is connected *ex officio* with this department.

In view of possible occurrences and the better to meet contingent action of disloyal persons rumors of which have reached me from quarters entitled to respect I have placed a large part of the force under my command within the city and in possession of the principal public squares. No building of importance will be occupied and no obstruction to the business of the city will occur unless it be upon the strongest public necessity. The troops will be withdrawn from the city as soon as the question of the conflicting forces of police can be arranged. This I believe will be done at once. The arrests of this morning and the reasons for the occupation of the city have been announced by proclamation a copy of which is herewith inclosed.

I have the gratification to inform you that all the arrests have been made without disturbance and that the city is now and has been since the arrest of the chief of police more quiet and orderly than for any time for many months previous.

I have the honor to be, with great respect, your obedient servant,

NATH. P. BANKS,
Major-General, Commanding.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
June 27, 1861.

TO THE PEOPLE OF THE CITY OF BALTIMORE:

By virtue of authority vested in me and in obedience to orders as commanding general of the Military Department of Annapolis I have arrested and do now detain in custody Mr. George P. Kane, chief of police of the city of Baltimore. I deem it proper at this the moment of arrest to make formal and public declaration of the motive by which I have been governed in this proceeding. It is not my purpose neither is it in consonance with my instructions to interfere in any manner whatever with the legitimate government of the people of Baltimore or Maryland. I desire to support the public authorities in all appropriate duties—in preserving peace, protecting property and the rights of persons, in obeying and upholding every municipal regulation and public statute consistent with the Constitution and laws of the United States and of Maryland. But unlawful combinations of men organized for resistance to such laws, that provide hidden deposits of arms and ammunition, encourage contraband traffic with men at war with the Government and while enjoying its protection and privileges stealthily wait opportunity to combine their means and forces with those in rebellion against its authority, are not among the recognized or legal rights of any class of men and cannot be permitted under any form of government whatever. Such combinations are well known to exist in this department. The mass of citizens of Baltimore and of Maryland loyal to the Constitution and the Union are neither parties to nor responsible for them. The chief of police, however, is not only believed to be cognizant of these facts but in contravention of his

duty and in violation of law he is by direction and indirection both witness and protector to the transactions and the parties engaged therein. Under such circumstances the Government cannot regard him otherwise than as the head of an armed force hostile to its authority and acting in concert with its avowed enemies. For this reason superseding his official authority and that of commissioner of police I have arrested and do now detain him in custody of the United States. And in further pursuance of my instructions I have appointed for the time being Colonel Kenly, of the First Regiment of Maryland Volunteers, provost-marshal in and for the city of Baltimore to superintend and cause to be executed the police laws provided by the Legislature of Maryland with the aid and assistance of the subordinate officers of the police department, and he will be respected accordingly.

Whenever a loyal citizen shall be otherwise named for the performance of this duty who will execute these laws impartially and in good faith to the Government of the United States the military force of this department will render to him that instant and willing obedience which is due from every good citizen to his government.

NATH. P. BANKS,
Major-General, Commanding Department of Annapolis.

[Inclosure No. 2.]

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Fort McHenry, July 1, 1861.

TO THE PEOPLE OF THE CITY OF BALTIMORE:

In pursuance of orders issued from the Headquarters of the Army at Washington for the preservation of the public peace in this department I have arrested and do now detain in custody of the United States the members of the late board of police, Messrs. Charles Howard, William H. Gatchell, Charles D. Hinks and John W. Davis—the incidents of the late week furnishing full justification for this order. The police headquarters under charge of the board when abandoned by their officers resembled in some respects a concealed arsenal. After public recognition and protest against the "suspension of their functions" they continue in daily secret session. Upon a forced and unwarrantable construction of my proclamation of the 27th ultimo they declared the police law itself suspended and the officers and men off duty for the present intending to leave the city without any police protection whatever. They refused to recognize the force necessarily appointed for its protection and hold subject to their orders now and hereafter the old police—a large body of armed men—for some purpose unknown to the Government and inconsistent with its security. To anticipate their intentions and orders I have temporarily placed a portion of my command within the city. I disclaim for the Government I represent all desire, intention and purpose to interfere in any of the ordinary municipal affairs of Baltimore. Whenever a loyal citizen can be nominated to the office of marshal who will execute the police laws impartially and in good faith to the United States the military force will be withdrawn at once from the central parts of the municipality. No soldier will be permitted in the city except under regulations satisfactory to the marshal or by order of the general in command, and whenever the municipal laws and regulations shall be by them violated they shall be punished according to the municipal laws and upon the judgment of the civil tribunals.

NATH. P. BANKS,
Major-General, Commanding.

[Inclosure No. 3.]

Memorandum of ordnance, &c., captured by the provost-marshal at the time of arresting the police commissioners of Baltimore, July 1, 1861.

Six 6-pounder iron cannon; two 4-pounder iron cannon; 332 muskets, rifles and pistols, and a large quantity of ammunition, &c.

[Inclosure No. 4.]

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
June 27, 1861.

Col. JOHN R. KENLY, *Provost-Marshal.*

SIR: My attention has been called to a resolution purporting to have been this day passed by the late board of police commissioners expressing the opinion that "the suspension of their functions suspended at the same time the operations of the police law and puts the officers and men off duty for the present."

You will take special notice, sir, that by my proclamation of this day neither the law nor the officers appointed to execute the laws are affected in any manner whatever except as it operates upon the members of the board of commissioners and chief of police whose functions were and are suspended. Every part of the police law is to be enforced by you except that which refers to the authority of the commissioners and chief of police; and every officer and man with the exception of those persons above named will be continued in service by you and in the positions they now occupy and with the advantages they now receive unless one or more shall refuse to discharge their duties.

If any police officer declines to perform his duty in order to avoid the anarchy which it was the purpose of the commissioners to bring upon the city by incorrectly stating that it had been by my act deprived of its police protection you will select in conference with such of the public authorities as will aid you good men and true to fill their places and discharge their duties.

You will also take especial notice that no opinion, resolution or other act of the late board of commissioners can operate to limit the effective force of the police law or to discharge any officer engaged in its execution. If any provision of the law fails to be executed it will be from the choice of the city; and if any officer except such as are herein named leave the service it will be upon his own decision.

You will cause these views to be made known as the rule of your conduct.

I repeat my declaration and my purpose: No intervention with the laws or government of the city whatever is intended except to prevent secret, violent and treasonable combinations of disloyal men against the Government of the United States.

I am, sir, truly, yours, &c.,

NATH. P. BANKS.

[Sub-inclosure.]

Matters being thus arranged the board of police commissioners went into secret session. The result of their deliberation was embodied in the following preamble and resolutions:

Whereas, the laws of the State of Maryland give the whole and exclusive control of the police force of the city to the board of police organized and appointed by the General Assembly, and not only are said board bound to exercise the powers and to discharge the duties imposed upon them but all other persons are positively prohibited under heavy penalties from interfering with them in so doing; and

Whereas, there is no power given to the board to transfer the control of any portion of the police force to any person or persons whomsoever other than the officers of police appointed by them in pursuance of the express provisions of the law and under their orders; and

Whereas, by order of Major-General Banks, an officer of the U. S. Army commanding in this city, the marshal of police has been arrested, the board of police superseded and an officer of the army has been appointed provost-marshal and directed to assume the command and control of the police force of this city: Therefore, be it

Resolved, That this board do solemnly protest against the orders and proceedings above referred to of Major-General Banks as an arbitrary exercise of military power not warranted by any provision of the Constitution or laws of the United States or of the State of Maryland, but in derogation of all of them.

Resolved, That whilst the board yielding to the force of circumstances will do nothing to increase the present excitement or obstruct the execution of such measures as Major-General Banks may deem proper to take on his own responsibility for the preservation of the peace of the city and of public order they cannot consistently with their views of official duty and of obligation to their oaths of office recognize the right of any of the officers and men of the police force as such to receive orders or directions from any other authority than from this board.

Resolved, That in the opinion of the board the forcible suspension of their functions suspends at the same time the active operation of the police law and puts the officers and men off duty for the present; leaving them subject, however, to the rules and regulations of the service as to their personal conduct and deportment and to the orders which this board may see fit hereafter to issue when the present illegal suspension of their functions shall be removed.

[Signed by all the board.]

In conformity with these resolves the board summoned the different police captains and informed them that they had concluded to disband the police force and through the captains the men were informed of this intention. They accordingly vacated the station-houses and divested themselves of the insignia of office.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
Fort McHenry, July 3, 1861.

Lieutenant-General SCOTT.

GENERAL: Mr. Charles D. Hinks, one of the commissioners of police arrested on the 1st instant and now a prisoner in the fort, is in ill health. His physician, Dr. John Buckler, whose letter I inclose, declares that confinement at the fort will be attended with fatal consequences. Doctor Smith, physician at the city infirmary, and Doctor Martin, of the Massachusetts Rifles, concur in the opinion of Doctor Buckler and represent Mr. Hinks as in the last stages of consumption.

He has not been present in the city over a month having resided in the South on account of his health, and has not therefore participated in political affairs here until very recently. Upon inquiry among many prominent men I learn he is the least objectionable of any of the prisoners. His death in prison would make an unpleasant public impression. His release with proper declarations as to his future conduct would produce an agreeable impression. I would respectfully recommend that authority be given to release him whenever it can be done with safety to the public interests.

I hope by concurrent opinion of many influential citizens to make such an appointment of marshal as will speedily bring all difficulties to an end in Baltimore. The troops will then be withdrawn from the city proper at once. I am gratified to be able to report that Baltimore is perfectly orderly and quiet night and day.

With great respect, I am your obedient servant,

N. P. BANKS,
Major-General, Commanding, &c.

[Inclosure.]

BALTIMORE, *July 2, 1861.*

General N. P. BANKS.

SIR: I beg to state to you that Mr. C. D. Hinks, one of the commissioners of police who was arrested yesterday and conveyed to Fort McHenry, is seriously ill with pulmonary consumption. In my judgment as his attending physician confinement at the fort will be followed with fatal consequences. I have taken the liberty of acquainting you with these facts and to request you to lay his case before the proper authorities and procure his release as early as possible.

I have the honor of being, respectfully, yours, &c.,

JOHN BUCKLER. M. D.

DEPARTMENT OF STATE,
Washington, July 5, 1861.

Maj. Gen. NATHANIEL P. BANKS, *Baltimore.*

GENERAL: I have the honor to acquaint you that yesterday Messrs. Reverdy Johnson and John P. Kennedy called on the President and recommended that Mr. Howard, one of the police commissioners there recently arrested and now confined by your orders, should be released. The President received the recommendation with all the respect due to the acknowledged patriotism and high social standing of those gentlemen. Having considered the subject he instructs me to inform you that as he has entire confidence in your discretion and in the sufficiency of the motives which led to the arrest he preferred to leave to your discretion also the expediency of terminating it. If therefore the application should be made to you you will dispose of it accordingly.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

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*Extract from proceedings of the House of Representatives, July 18, 1861.**

At the request of Mr. May the following report of Marshal George P. Kane, chief of police of Baltimore, to the president of the board of police relating to the attack on the Federal troops en route through Baltimore was read to the House by the clerk:

POLICE DEPARTMENT, OFFICE OF THE MARSHAL,
Baltimore, May 3, 1861.

CHARLES HOWARD, Esq.,
President of the Board of Police.

SIR: The columns of the Baltimore American of this date contain an assault upon my official conduct as commanding officer of the police force of this city in connection with the occurrences of the 19th of April last which seem to require some notice in order that the facts of the case may be duly registered on the journals of your office.

With that view I have the honor to invite your attention to the fact that on the forenoon of Thursday, the 18th of April, I was directed by the police board to furnish escort to two bodies of Federal troops which were expected on that day by the Northern Central road at 1 o'clock and by the Wilmington and Philadelphia road at

*For proceedings of the House concerning the charges against Congressman May, the attack on the Federal troops by a Baltimore mob, and Marshal Kane's connection therewith, see Congressional Globe for July 18, 1861, pp. 196–202, and subsequent dates.

4 o'clock respectively, and to see that they were passed safely through our city. Subsequently on the same day information was communicated to me that the Philadelphia company fearing that the passage of these troops would create excitement were maturing arrangements to pass them across our harbor from Canton to Locust Point, thus avoiding the streets of our city. It will be seen, however, that this arrangement was not consummated.

At 1 a. m. I was on the ground at the outer depot of the Northern Central road and took command of the force which had been detailed to that point. I was accompanied to the depot by his honor Mayor Brown, who seemed deeply anxious that our laws should be respected and enforced. The mayor, however, was called away by message from the Governor to meet in consultation at the moment when the train arrived. It is enough to say, however, that the troops were safely escorted to Mount Clare depot and departed for Washington, having experienced no more annoyance than might have been expected, as doubtless the officers of the regular troops who accompanied the detachment will readily testify.

My force was kept under arms until a late hour waiting the arrival of the detachment expected from Philadelphia; but it was finally ascertained from the railroad agent that the troops had not even started nor did they know when they would start from Philadelphia, when the police force was dismissed with orders to remain ready for instant call. I heard nothing more of these troops until twenty minutes past 8 o'clock on the next (Friday) morning, at which time I was met on the street by one of my men with a dispatch from the southern police station signed by Mr. Commissioner Davis informing me that the troops from Philadelphia would arrive at the Camden street (Washington) depot within thirty minutes; that the cars containing them would not stop at the Philadelphia depot but go directly to the Washington depot to which place I was requested by the railroad authorities to send a police force.

I at once telegraphed to the several stations and within the thirty minutes I was on the ground at the Camden station with an ample force, but was then told that the troops were just crossing the Susquehanna River and would not arrive for some time.

With the view to keep down the excitement I sent the police force from the depot to a neighboring police station to await the trains coming and also sent for his honor the mayor, who soon appeared accompanied by the board of police.

The cars arrived and very soon an immense throng of people were congregated, but by the firmness of the police the troops were all shifted from the Philadelphia to the Washington cars without any collision with our people having occurred and the excitement partially subsided. After waiting some considerable time for the train to start and not being made aware that any more Philadelphia cars were expected I inquired of some of the railroad agents present the cause of the delay and was informed that obstructions had been placed on the Washington track in advance of the train. I at once sent a detachment of police under determined and reliable officers to guard the track outside of the city and to see that the trains were protected to the Relay House (a distance of nine miles) if necessary.

After waiting a long additional time and having made repeated inquiries as to the cause of the continued delay in starting the train I was for the first time informed that other troops were expected at that station, and at the same moment learned that a riot had commenced in Pratt street.

I promptly devolved the command at the Camden station upon Deputy Marshal Gifford and started for the scene of riot with a detachment of my men and met the Massachusetts soldiery on Pratt street near Light street (his honor Mayor Brown being with them) hastening toward the Washington depot pursued by an enraged multitude. I opened my ranks through which they passed and closed in their rear; formed my men across the street; directed them to draw their revolvers and to shoot down any man who dared to break through their line. It is enough for me to say that these orders were faithfully executed; my men did their duty and the Massachusetts troops were rescued.

From that time the missiles intended for the troops were encountered by your own police force. The tumult being thus subdued, no attack being subsequently made upon the military, I marched my men back to the Camden station; saw the train safely depart for Washington; learned from the railroad officers that the troops had all departed and that the services of my command were no longer required. I dismissed the detachment to their several stations except those of the second district which I ordered to be posted for the protection of parties on Baltimore street against whom there seemed to be an intense excitement, the editors of the American and Clipper being regarded as particularly obnoxious and loudly threatened.

On the way to my office I learned from Mr. Richard Norris, jr., that there were other troops at the Philadelphia depot, and accompanied by that gentleman I hurried in a carriage to that place and there found several car-loads of troops, mostly if not all without uniforms. Some of these troops commenced jumping from

the train just as I got there and were immediately set upon by an infuriated populace. I fought hard for their protection, at first almost alone but soon had the assistance of a part of my force who hurried from the neighboring beats, and had the gratification of seeing all but those who took shelter in neighboring houses put on another train and under escort of police accompanied by myself sent safely out of the city on their return to Philadelphia. The earnest expressions of gratitude which I received from the persons thus rescued left on my mind the conviction that I had done my duty.

On this occasion I was ably assisted by Deputy Marshal Gifford and by some noble-hearted and fearless citizens, but feel bound to say that I did not recognize as thus engaged one single individual of those now actively employed in defaming the city and its authorities.

It may be proper to state that up to this time I did not know anything of the origin of the rencounter nor the extent of the killed and wounded; but only know that our whole city seemed filled with horror at the knowledge that peaceful and respected citizens had been shot on our public streets.

From this time till a late hour of the night my office was beset by those anxious to ascertain the truth of rumors that a renewal of the difficulties was likely to occur. Near midnight I received from William Prescott Smith, esq., the master of transportation of the Washington and Baltimore and Ohio Railroad, information that he had received a dispatch from President Thomson, of the Pennsylvania road, "that it was impossible to prevent these troops from going through Baltimore; the Union men must be aroused to resist the mob."

I felt it my duty to communicate this information to his honor Mayor Brown; and went to his house for that purpose and made the statement to him. He deemed it all important to confer with His Excellency Governor Hicks and visited him in his chamber.

The governor then sent for me; and in company with the mayor I went to his chamber; and the condition of the city, the dangers of a sanguinary conflict in the event of troops coming to it whilst the public mind was so highly inflamed being fully discussed the governor deemed it proper and agreed with Mayor Brown and myself that the bridges on the roads by which troops would likely come should be destroyed as the only means of impeding them and avoiding the threatened conflict; and the mayor and board of police then issued the order to that effect.

It was in the midst of this excitement while our entire community was laboring under the most intense apprehension—the volunteers, militia and large numbers of the citizens being under arms under the apprehension of a collision, and with the knowledge that the great mass of our citizens looked to myself as the immediate commanding officer (under the board) of armed police for the best protection which under such circumstances could be afforded—in reply to a dispatch from Bradley Johnson, esq. (now or lately the State's attorney for Frederick County) offering the services of a body of patriotic citizens of that gallant county who true to the instinct of every son of Maryland were ready to come as did their sires in 1814 to defend the homes of their friends in Baltimore, [that] I used the language of the dispatch which is made the pretext for the disgraceful and libelous assault referred to.

What the condition of Baltimore City would be at this time had I failed to execute the order to destroy the bridges referred to by which the troops were arrested at Cockeysville on the morning of Sunday, the 21st of April, instead of coming to the city is too horrible to contemplate and can better be imagined than described.

The strictures in regard to the action of the police in removing flags which were being raised as it is well known not from any patriotic motives but for the sole purpose of exciting riot and disorder are too absurd to require extended notice.

I have the conviction that I have faithfully discharged the duties of the office of marshal of police during the extraordinary excitement which has pervaded this community probably beyond anything of the kind in its previous history, and that the force under my command has been successful in protecting the persons and property of people of the most intensely obnoxious character to another portion of our community from the slightest violence or injury. I feel that I can well afford to endure assault coming from such sources.

It may be proper in this connection to refer to the insinuation so broadly conveyed of complicity on the part of the police in appropriating the property of the Federal Government to improper uses. The charge is untrue. It was taken into the custody of the police solely for the purpose of preserving it, of which the proper notice was given to the authorities of the United States Government in Washington and this city.

Yours, very respectfully,

GEO. P. KANE,
Marshal.

[Inclosure.]

Statement of Richard Norris, jr., esq.

TO THE BOARD OF POLICE:

In reply to your inquiry I beg leave to state that on Friday, the 19th of April, I accompanied Colonel Kane in a carriage to the President street depot. When we arrived there as well as I recollect there were about fourteen cars filled with troops intended to be passed through Baltimore. They were mostly unarmed and were being attacked by large numbers of the people congregated there. Marshal Kane made every possible effort to protect the troops; caught hold of many of the assailants, drove them back and prevented them from continuing their attacks; addressed others declaring they were bringing disgrace on the city by assailing unarmed men. His whole conduct was perfectly fearless.

It is my sincere belief that but for the manly and energetic course pursued by him many lives would have been lost at the President street station. Words cannot convey my impression of the bravery he exhibited on that occasion or of the security he afforded to the troops. When I arrived at the depot I feared there would be a great loss of life but so far as I have heard all escaped in safety.

R. NORRIS, JR.

Resolution adopted by the House of Representatives July 24, 1861.

Resolved, That the President be requested immediately to communicate to this House if in his judgment not incompatible with the public interest the grounds, reason and evidence upon which the police commissioners of Baltimore were arrested and are now detained as prisoners at Fort McHenry.

WASHINGTON, *July 27, 1861.*

TO THE HOUSE OF REPRESENTATIVES:

In answer to the resolution of the House of Representatives of the 24th instant asking grounds, reason and evidence upon which the police commissioners of Baltimore were arrested and are now detained as prisoners at Fort McHenry I have to state that it is judged to be incompatible with the public interest at this time to furnish the information called for by the resolution.

ABRAHAM LINCOLN.

[JULY 29, 1861.—For a report of the police board to the General Assembly of Maryland inclosing their memorial to the Congress of the United States, and for the memorial of the mayor and city council of Baltimore to Congress, see Series I, Vol. II, pp. 144–156.]

HEADQUARTERS DEPARTMENT OF MARYLAND,
Fort McHenry, July 29, 1861.

Maj. JACOB B. HARDENBERGH,
Twentieth Regiment New York State Militia.

MAJOR: You will receive on board the steamer Whitney the following persons, arrested by my predecessor in command of this department and charged with offenses against the Government and laws of

the United States, viz: R. H. Alvey, John H. Kusick, John W. Davis, Dr. Edward Johnson, T. C. Fitzpatrick, William H. Gatchell, Charles M. Hagelin, Charles Howard, Samuel C. Lyon, James E. Humphrey.

You will take care that all their wants so far as you have the means are supplied and you will also see that they are treated with proper kindness and courtesy. You will proceed without interruption or delay to Fort Lafayette in the harbor of New York and deliver them into the custody of the officer in charge of that fort. You will be held strictly responsible for their safety during the voyage as well as for the orderly conduct of your men. Having executed the delicate and responsible trust confided to you you will land your men in the city of New York and join your regiment in order to be mustered out of the service, reporting yourself for that purpose to Col. H. L. Scott, inspector-general, U. S. army, at the army headquarters, No. 86 Eleventh street.

Respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

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*Resolutions offered in the U. S. Senate July 29, 1861.**

Resolved, That the members of the police board of the city of Baltimore ought to be either surrendered to the civil authorities on some charge sufficient in law for their arrest and detention or be discharged from confinement at Fort McHenry and suffered to resume their official functions.

Resolved, That the control of the municipal police of Baltimore ought to be restored to those civil officers to whom by the laws of Maryland it is intrusted.

Resolved, That George P. Kane, marshal of police of the city of Baltimore, ought either to be delivered up to the civil authorities on some charge sufficient in law to hold him in custody or be discharged from confinement in Fort McHenry.

HEADQUARTERS,
Fort Hamilton, N. Y., July 31, 1861.

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington City, D. C.

SIR: I have this day received at Fort Lafayette the following named prisoners charged with offenses against the United States Government, viz: R. H. Alvey, John H. Kusick, John W. Davis, Dr. Edward Johnson, T. C. Fitzpatrick, William H. Gatchell, Charles M. Hagelin, Charles Howard, Samuel C. Lyon, James E. Humphrey or Murphrey.

Please inform me if I shall consider them in the same light in the event of a writ of habeas corpus as I do Ruggles and McGuillam and whether I shall make the same return (if required) as I have already done in the case of McGuillam. The prisoners were sent here by order ot Maj. Gen. John A. Dix, commanding Department of Maryland.

I have the honor to be, sir, very respectfully, your obedient servant,

MARTIN BURKE,
Colonel First Artillery, Commanding.

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* Offered by Mr. Bayard, of Delaware, as an amendment to a motion of Mr. Trumbull, of Illinois, chairman, that the Judiciary Committee be discharged from the further consideration of the memorial of the police commissioners of Baltimore, etc.

*Resolution offered in House of Representatives July 31, 1861.**

Resolved, That the arrest and imprisonment of Charles Howard, William H. Gatchell and John W. Davis and others without warrant and process of law is flagrantly unconstitutional and illegal; and they should without delay be released, or their case remitted to the proper judicial tribunals to be lawfully heard and determined.

HEADQUARTERS,
Fort Hamilton, New York Harbor, August 2, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Hdqrs. U. S. Army, Washington.

SIR: Inclosed you will receive a paper marked letter A, and also thirteen letters† written by the State and war prisoners in Fort Lafayette to their friends including one to the honorable Secretary of War.‡ The letters in my opinion are calculated more or less to inflame the public mind of Maryland if published, and I thought it my duty and I thought these transmissions if at all should go through your office. It is my intention if you think it right and desire me to do so to say to those prisoners if they hereafter have any complaint to make with regard to the officers including myself about anything or have any dissatisfaction with regard to quarters or subsistence that if they will put it in writing I will send it to Washington.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Indorsement.]

HEADQUARTERS OF THE ARMY,
August 6, 1861.

Respectfully submitted to the Secretary of War.

These letters are evidently intended for publication and being calculated to inflame the public mind by misrepresentations I recommend that they be returned to the writers.

Respectfully submitted.

WINFIELD SCOTT.

[Inclosure A.]

FORT LAFAYETTE, NEW YORK HARBOR,
August 1, 1861.

[Bvt. Lieut. Col. MARTIN BURKE.]

COLONEL: I herewith send you twelve letters written by the prisoners received here yesterday from Fort McHenry. In my opinion some of them are of a very inflammatory nature, and if they should find their way into the press of Baltimore as it is evidently the intention of the writers they should it would be detrimental to the Government. Therefore I submit them to your inspection before forwarding them according to their directions. The writers you will see complain of the restrictions placed upon them and of accommodations which they receive. The restrictions are the same as those placed upon the prisoners confined here previous to their arrival and which in my judgment is the only

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* Offered by Mr. May, of Maryland. Speaker Grow decided it to be inadmissible under the rules.

† Not found.

‡ See paper marked "Sub-inclosure," p. 634.

means of securing the safety of the prisoners, my command being composed as you are aware entirely of recruits who might be influenced to a departure from their duty if the prisoners were allowed the free use of their money, private communications or interviews with their friends. They are allowed all the liberty that the size, arrangement and situation of the post and the force under my command will admit. Their rooms are precisely the same as those occupied by the officers and privates. In consequence of the scarcity of apartments I am obliged to place twelve soldiers in each room, all of which are cleansed and well ventilated. The requisition made a week ago for blankets, bed-sacks and straw for the use of prisoners was filled to-day and they were supplied with the same. I this day (as directed by you in the presence of the prisoners) caused a requisition to be made for chairs, tables, wash basins and pitchers, plates and other articles necessary for their comfort.

I have placed Mr. Alvey, Mr. Lyon and the three police commissioners in one room, they having made arrangements to provide themselves with meals. The other prisoners who draw rations are in another room. On taking their money from the prisoners I gave to each a receipt for the amount stating that I held it subject to their draft in such amounts as they may require for immediate use. On searching the prisoners who were first received here a revolver and a bowie knife were found upon the person of one of them.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,

Second Lieutenant, Ninth Infantry, Commanding Post.

P. S.—Please find herewith a letter addressed to the Hon. S. Cameron, Secretary of War.

C. O. W.

[Sub-inclosure.]

FORT LAFAYETTE, N. Y., *August 1, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: After the interview I had with you in Fort McHenry on the 4th ultimo and in view of the assurances you then expressed as to the manner in which I and the gentlemen with me were entitled to be treated during our confinement by the General Government I cannot refrain from expressing my surprise at the condition in which by its orders we now find ourselves.

On Monday evening last we were placed on board the steamer Joseph Whitney with a detachment of soldiers, all information as to our place of destination being positively refused both to us and to the members of our families. Both General Dix and Major Morris, however, gave the most positive assurances that at the place to which we should be taken we would be made much more comfortable and the limits of our confinement would be less restricted than at Fort McHenry.

Yesterday we were landed here and are kept in close custody. No provision whatever had been made here for us and last night we were shut up—eight persons—in a vaulted room or casemate about twenty-four by fourteen feet, having three small windows each about three feet by fourteen inches, and a close wooden door which was shut and locked upon us soon after 9 o'clock and remained so until morning. Some of the party by permission brought on our own bedsteads and bedding with which we had been compelled to supply ourselves at Fort McHenry,

otherwise we should have been compelled to lie on the bare floor, the officers here stating to us that they had no supplies whatever and could not furnish us even with blankets of the most ordinary kind.

We are distinctly notified that the orders under which the commanding officer of the post is acting require him to impose upon us the following among other restrictions, viz:

We are allowed to receive or forward no letters from or to even our own families unless they are submitted to inspection and perusal by some military officer; no friend can visit us without the express permission of Colonel Burke whose quarters are not at this fort, and no intimation has been given that such permission will be readily granted; we are to receive no newspapers from any quarter; for one hour in the morning and one in the evening only we are to be allowed to take exercise by walking about in a small square not larger than some sixty or seventy feet each way, surrounded on the four sides by the massive buildings of the fort three stories in height.

We were on our arrival here required to surrender all the money we had and all writing-papers and envelopes, our baggage being all searched for these and other articles that might be shown to be considered as contraband. It is unnecessary to give any further details to satisfy you that our condition as to physical comfort is no better than that of the worst felons in any common jail of the country.

Having been arrested and already imprisoned for a month without a charge of any legal offense having been as yet preferred against me or those arrested at the same time with me it is useless to make any further protest to you against the continuance of our confinement. But we do insist as a matter of common right as well as in fulfillment of your own declarations to me that if the Government chooses to exercise its power by restraining us of our liberty it is bound in ordinary decency to make such provision for our comfort and health as gentlemen against whom if charges have been preferred they have not been made known (and all opportunity for an investigation has been denied) are recognized in every civilized community to be entitled to.

It is but just to Colonel Burke and Lieutenant Wood who commands the garrison here that I should add that both of those officers have professed their desire to extend to us all comforts that their instructions will allow and the means at their command will enable them to do. They have, however, each stated that the orders under which they act are imperative and that their supplies of even the most common articles are at present very limited.

I have written this letter on my bed sitting on the floor upon a carpet-bag, there being neither table, chairs, stool nor bench in the room.

I have the honor to be, your obedient servant,

CHARLES HOWARD.

NEW YORK, *August 2, 1861.*

Col. E. D. TOWNSEND.

SIR: I have reason to believe that a writ of habeas corpus will be taken out for the Baltimore commissioners and I wish by telegraph an answer to my letter* of July 31 immediately.

Very respectfully, your obedient servant,

MARTIN BURKE,

Lieutenant-Colonel, U. S. Army, Commanding, No. 6 State Street.

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* See p. 632.

HEADQUARTERS OF THE ARMY,
Washington, August 2, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., No. 6 State Street, New York City:

Should the writ of habeas corpus come for the production in court of any of your political prisoners you will respond thereto that you deeply regret that pending existing political troubles you cannot comply with the requisition of the honorable judge.

WINFIELD SCOTT.

FORT LAFAYETTE, NEW YORK HARBOR,
August 2, 1861.

Bvt. Lieut. Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: To-day the U. S. marshal of this district called at this post and exhibited an order from the President of the United States empowering him to provide all that was necessary for the comfort of the citizen prisoners now confined here. After an examination of their apartments and upon being informed that provisions were being made to make them comfortable he expressed himself pleased with what had been done and that he could not see that anything further was necessary.

I remain, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

FORT LAFAYETTE, NEW YORK HARBOR,
August 7, 1861.

Hon. S. CAMERON, *Secretary of War.*

SIR: I addressed a communication yesterday to Colonel Burke which he advises me he has forwarded to Washington. In reply he has written a note to Lieutenant Wood and instructed him to read it to us. The substance of this note was that [as] some of the letters we had written to our families if they were to find their way into the newspapers "might influence the public mind" the colonel had thought it proper to forward them all to the Headquarters of the Army. He further stated that the orders he had received were to treat us kindly but keep us safely.

As to the first point allow me to say that whatever our condition may be the minds of our friends and of all others who may feel any interest in the matter will surely be less apt to be influenced unfavorably toward the Government by knowing the truth about us than they will be by their finding that our communications with them are intercepted and that they are allowed to hear nothing whatever as to how we are treated. They will necessarily conclude that our imprisonment is exactly like that of those who used to be confined in the Bastile (as in fact it is) who were allowed to hold no communications except such as might be entirely agreeable and acceptable to their custodians. They will of course be kept in a state of great anxiety and uneasiness and their sympathies will be constantly excited in our behalf. The distress that will be thus inflicted upon our families can be termed nothing less than cruelty.

In the next place it is hard to conceive how it can be reconciled with anything like the idea of kind treatment to prohibit our reception of

all newspapers whatsoever or the unrestricted delivery to us without examination of all letters that may be addressed to us; whilst it certainly cannot be shown that such prohibitions are at all necessary to insure our "safe keeping." The examination of and the discretion claimed to retain letters to us from the nearest members of our families as well as the preventing us from receiving newspapers can only be regarded as measures of punishment adopted toward those who have been convicted of no offense, to whom no opportunity has been afforded for an investigation of any charges that may possibly have been preferred against them and for whose arrest as our counsel were assured by General Banks there were no other reasons than the allegations set forth by him in his proclamation, and the continuance of whose confinement he stated to be solely a precautionary measure on the part of the Government. These assurances were given by him at Fort McHenry.

I will add that whatever may be the disposition of the officer commanding the post and of those in this garrison "to treat us kindly" they are restricted in doing so within extremely narrow limits either by other orders they may have received or by the means of extending such treatment not having been supplied to them. We are isolated at a distance of 200 miles from our families and all but a few friends and with these we are permitted to have no intercourse. We are thrown upon our own resources, those of us who may have means being allowed to find at our own cost within the fort decent but very ordinary fare whilst those who cannot in justice to their families afford such expense have nothing but the ordinary rations of the soldier which are of the coarsest kind. In consequence of the delay in other departments of the service in complying with the requisitions the officers here have made we should at this moment though we have been here a week have been without a chair or table but for the courtesy of Lieutenant Sterling, who seeing our state of utter discomfort has loaned to us two chairs from his own quarters, and that of the wife of a sergeant who has lent us a small stand. We are informed, however, that a supply of such articles may be expected for our use from the city this evening.

Finally there are six of us confined in one room precisely similar in all respects to that described in my letter of the 1st instant, to which I beg leave to refer you.

I have the honor to be, your obedient servant,

CHARLES HOWARD.

DEPARTMENT OF STATE,
Washington, August 8, 1861.

Lieut. Gen. WINFIELD SCOTT, *Washington.*

GENERAL: This Department having received information to the effect that the late police commissioners of Baltimore now confined at Fort Lafayette, New York Harbor, have taken measures to sue out a writ of habeas corpus I will thank you to direct by telegraph the officer in command there not to obey the writ.*

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

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* In answer to this request General Scott repeated his telegram of August 2 to Colonel Burke. See preceding page.

NEW YORK, *August 8, 1861.*

W. H. SEWARD, *Secretary of State:*

The county judge of Kings County has granted writ of habeas corpus for Baltimore police commissioners returnable Friday at 11. I await instructions.

STEWART L. WOODFORD,
Assistant U. S. District Attorney.

DEPARTMENT OF STATE,
Washington, August 8, 1861.

E. DELAFIELD SMITH, Esq.,
Attorney of the U. S. for the Southern District of New York.

SIR: A telegram having been received from Mr. Woodford to the effect that a writ of habeas corpus has been granted in the case of the Baltimore police commissioners I have to direct you to request the military officer having them in custody not to obey the writ.

I am, your obedient servant,

WILLIAM H. SEWARD.

FORT LAFAYETTE, NEW YORK HARBOR,
August 8, 1861.

Lieutenant-General SCOTT,
Commander-in-Chief, U. S. A., Hdqrs., Washington, D. C.

SIR: By a letter received last night from Mrs. Howard I learn that in reply to the inquiries she made of you she was informed that I would be "decently lodged and subsisted" here. I wrote to the honorable the Secretary of War on the 1st instant and again yesterday advising him of the treatment which I and my fellow prisoners are receiving. A perusal of those letters would satisfy you that those assurances are not verified. I need here only say that we are not "decently lodged" nor are we in any sense of the words "decently subsisted" by the Government. The only proffer of subsistence made to us has been to feed us like the private soldiers of the garrison or to allow us to procure other meals at our own cost.

I have the honor to be, your obedient servant,

CHARLES HOWARD.

HEADQUARTERS,
Fort Hamilton, New York Harbor, August 10, 1861.

Lieut. Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

SIR: I inclose a letter written by one of the prisoners.* I thought it would not be proper to send it without having it first read at Washington. I inclose a copy of a regulation I have made with regard to letter-writing by the prisoners.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

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* Letter omitted as unimportant.

[Inclosure.]

MEMORANDUM ORDER.] HEADQUARTERS,
Fort Hamilton, August 10, 1861.

Letters will be forwarded for the prisoners to the heads of departments of the General Government, Washington, and also to the general-in-chief when written in respectful language. In those letters if the prisoners are so disposed they can describe their quarters, subsistence, &c. They may if they deem fit make a statement of their case in respectful language to the persons thus addressed. All other letters should be confined to family and domestic affairs, any wants for himself, or any instructions the prisoner may wish to communicate with regard to his private affairs at home, or familiar letters with relations or friends. Letters containing invidious reflections on the Government or its agents, either civil or military, will not be mailed but will be returned to the writer. It must be understood that the publication of any letter mailed and forwarded for the prisoners in any newspaper no matter what may be the contents will be taken for granted that it is done to create ill-feeling toward the General Government and can be of no service to the writer.

It is desired that in all private letters forwarded by the prisoners the following note will be added in a postscript or otherwise by the writer:

It is my express desire that the contents of this letter or any part of it will not be put in such a situation as to be published in any newspaper.

Gentlemen with funds will pay their own postage; for those without funds the postage will be paid at Fort Hamilton.

FORT LAFAYETTE, NEW YORK HARBOR,
August 12, 1861.

Hon. SIMON CAMERON,
Secretary of War, Washington, D. C.

SIR: I laid before you a statement of the condition in which I am kept in two former communications—the one on the 1st instant and the other a few days subsequently to which I beg leave to refer—and I should not again trouble you had I not since my last learned on the direct authority of Lieutenant-General Scott that an order has been given by the Department of State that the political prisoners confined at Fort Lafayette shall be "decently lodged and subsisted unless they prefer to provide for themselves."

The decent lodging furnished us consists in putting seven gentlemen to sleep in the one room of which I have before given you a description. Within this or at the door of it we are required to remain except during two hours in the day or whilst taking our meals.

The decent subsistence offered us in the alternative of our declining or not having the means to provide for ourselves is much inferior in many respects to that furnished to convicted felons in the Baltimore penitentiary and jail, and so far as I am informed in any well-regulated prison in the country. The officers here advise us that this is the only fare which under the instructions given and the means allowed to them by the Government they can offer.

How far such treatment is in accordance with the instructions of the Government as expressed by the Department of State and with the assurance given to me personally by yourself or with the promises voluntarily made by Maj. Gen. John A. Dix and Maj. William W. Morris I leave it, sir, for you to judge.

I have the honor to be, your obedient servant,

CHARLES HOWARD.

FORT HAMILTON, N. Y., *August 12, 1861.*

Lieut. Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters of the Army.

SIR: There is an attachment issued for my person for refusing to obey the writ of habeas corpus issued for the bodies of the Baltimore police commissioners confined at Fort Lafayette. The following is the copy of a telegram just sent by me to General Scott:

FORT HAMILTON, N. Y., *August 12, 1861.*

Lieutenant-General SCOTT, U. S. Army:

There is an attachment issued for my person and it is reported that a posse will try to execute the writ and take the prisoners from Fort Lafayette. Shall I resist or what course shall I pursue?

MARTIN BURKE,
Colonel.

HEADQUARTERS,
[*Washington,*] *August 12, 1861.*

Col. MARTIN BURKE, U. S. Army, *Fort Hamilton:*

Hold your prisoners to the extent of all your means of defense.

WINFIELD SCOTT.

HEADQUARTERS OF THE ARMY,
Washington, August 13, 1861.

Hon. SECRETARY OF WAR.

SIR: Lieut. Col. Martin Burke, U. S. Army, has been assigned to the command of Forts Hamilton and Lafayette for the purpose of supervising the safe custody of the political prisoners and prisoners of war confined in the latter fort. In accordance with the wishes of the honorable Secretary of State instructions of which the inclosed are copies have already been given in relation to the said prisoners. I beg leave to suggest that the letters written by the prisoners to their friends having a political rather than a military bearing should be sent to the Department of State for examination to ascertain whether they may be properly forwarded to their address, or if not what should be done with them. Applications for permission to visit the prisoners should be submitted it is supposed to the same Department.

I have the honor to be, sir, very respectfully, your obedient servant,

WINFIELD SCOTT.

[Inclosure No. 1.]

HEADQUARTERS OF THE ARMY,
Washington, August 2, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., No. 6 State Street, New York City:

Should the writ of habeas corpus come for the production in court of any of your political prisoners you will respond thereto that you deeply regret that pending existing political troubles you cannot comply with the requisition of the honorable judge.

WINFIELD SCOTT.

[Inclosure No. 2.]

HEADQUARTERS,
August 12, 1861—10.15 p. m.

Lieut. Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

Your telegram is received. You will resist any attempt to take your State prisoners. You will resist any attempt to take your person on a writ of attachment.

WINFIELD SCOTT.

HEADQUARTERS OF THE ARMY,
Washington, August 13, 1861.

Col. HENRY L. SCOTT,
Inspector-General, Commanding, &c., New York:

Fort Lafayette is threatened with an attack by the sheriff and his posse to seize Colonel Burke. Send him a re-enforcement of some companies of volunteers which have been mustered into service without delay.

WINFIELD SCOTT.

DEPARTMENT OF STATE,
Washington, August 16, 1861.

Lieut. Gen. WINFIELD SCOTT.

GENERAL: In returning herewith the letters addressed to yourself and the Secretary of War by Mr. Howard* I have the honor to state that I do not perceive any objection to the political prisoners at Fort Lafayette being allowed to receive and dispatch unsealed communications nor to their being permitted to purchase at their own expense such newspapers as may be for sale in New York.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

FORT LAFAYETTE, NEW YORK HARBOR,
August 19, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: My family were informed by Lieutenant-General Scott under date of the 3d instant that an order had been given "by the Depart-

*Howard to Scott, p. 638; Howard to Cameron, p. 639.

ment of State that the political prisoners confined at Fort Lafayette shall be decently lodged and subsisted unless they prefer to provide for themselves." About the same time I was advised by Lieutenant-Colonel Burke, commanding this post, that his instructions were "to treat us kindly but keep us safely."

I beg leave, sir, to inform you that your order has not been complied with. It cannot be considered a "decent lodging" to put a number of gentlemen accustomed to the comforts of life to sleep in one low-vaulted room, in or at the door of which they are confined except for two hours in the twenty-four. The number sleeping in the room in which I am now placed has varied from five to seven. There are now here six of us.

The only subsistence provided for us by the Government as the alternative of our providing for ourselves has been the proffer of the single ration distributed here to the private soldier which is inferior both in quantity and quality to the fare furnished to the convicted felons in many of the jails and penitentiaries throughout the country.

And this is the "decent subsistence" offered to men who have been arrested and are held on suspicion only, and who have not ceased to demand an open investigation of any charges that may possibly have been preferred against them—a demand which has been persistently denied.

I have no grounds for imputing to Colonel Burke or the officers of this garrison any intentional disposition to treat us unkindly; but acting as they state themselves to be in obedience to the orders which they have received we are subjected to various harsh and arbitrary restrictions which are utterly irreconcilable with the idea of kind "treatment," whilst they are equally unnecessary for the insuring of our safe-keeping.

I deem it useless at present to go more into details as I have already described the condition in which we are placed in three communications to the honorable the Secretary of War on the 1st, 7th and 12th instant respectively and in one to Lieutenant-General Scott on the 8th instant, of none of which does any notice appear to have been taken.

Should you, sir, however desire a fuller statement than I have here made to be addressed directly to yourself one shall be forwarded as soon as I may be apprised of your wishes.

I have the honor to be, your obedient servant,

CHARLES HOWARD.

FORT HAMILTON, NEW YORK HARBOR,
August 27, 1861.

Lieut. Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington City, D. C.

SIR: In forwarding to the general-in-chief through you the communication of Lieutenant Wood, commanding Fort Lafayette, in continuation I will add that the request of the lieutenant-general (as everything coming from him) was attended to with marked respect. When the general-in-chief gave permission that Mrs. Howard with Mr. Benjamin Howard should visit Mr. Howard in prison I sent the officer of the day over with her.

MR. Howard has ever been treated courteously by my officers. Upon his solicitation I believe newspapers were allowed to the prisoner. This of course was kind and proper. His family and that of Mrs. How-

ard have been revolutionary and patriotic (with due respect to the highest authority). So far as my faculties can conceive Mr. Howard is no more above the law than any one of the nine pirates* put in prison on the 26th instant by the honorable the Secretary of the Navy. With regard to the life of an officer it does not amount to much; but if Mr. Howard can in a post under my command put on aristocratic airs and threaten my life why is this not a good precedent to shoot down my officer in command (and there is none better in the service in his grade) and take possession of the fort? However the attempt would be a bloody business. This is a simple case to be decided upon by my superiors. They have the facts and data to go upon.

When I received the mayor of Washington, apparently a very clever man, and upon his stating that he had not a hostile feeling against the Government, which may or may not be so, I stated in effect to him that doubtless the Government in time would take in this and consider leniently his case, but I told him that a Government with 100,000 victorious troops within four-days' march of Washington would have to act upon the law of self-preservation.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT LAFAYETTE, NEW YORK HARBOR,
August 27, 1861.

Col. M. BURKE,
Commanding Forts Hamilton and Lafayette.

COLONEL: While in the room occupied by the police commissioners I heard John W. Davis, one of the commissioners, make use of the following language, viz: That Colonel Burke had outlawed himself toward him in not obeying the writ of habeas corpus; that he (Colonel Burke) was depriving him of his liberty, and so help him God if he ever got out of this place he would deprive him (Colonel Burke) of his life; that he would shoot him on sight and take the consequences. Some one told him that he was foolish; that Colonel Burke had nothing to do with it that he was only obeying the orders of General Scott. Mr. Davis said that Colonel Burke had no right to obey an order which was in violation of the laws of the land and he would hold him responsible for his confinement.

I am, colonel, with respect, your obedient servant,

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry.

HEADQUARTERS OF THE ARMY,
Washington, August 27, 1861.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., Fort Hamilton, New York:

Allow no writs to be served on you for any of the prisoners under your charge. Give the same answer as heretofore.

WINFIELD SCOTT.

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* The Confederate Privateersmen.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 3, 1861.

Hon. GEORGE WILLIAM BROWN,
Mayor of the City of Baltimore.

SIR: Reasons of state which I deem imperative demand that the payment of compensation to the members of the old city police—who were by a resolution of the board of police commissioners dated the 27th of June last declared to be "off duty," and whose places were filled in pursuance of an order of Major-General Banks of the same date—should cease. I therefore direct by virtue of the authority vested in me as commanding officer of the military forces of the United States in Baltimore and its vicinity that no further payment be made to them. Independently of all other considerations the continued compensation of a body of men who have been superseded in their functions by the order of the Government is calculated to bring its authority into disrespect, and the extraction from the citizens of Baltimore by taxation in a time of general depression and embarrassment of a sum amounting to several hundred thousand dollars a year for the payment of nominal officials who render it no service cannot fail by creating widespread dissatisfaction to disturb the quietude of the city which I am most anxious to preserve. I feel assured that the payment would have been voluntarily discontinued by yourself as a violation of the principle on which all compensation is bestowed as a remuneration for an equivalent service actually performed had you not considered yourself bound by existing laws to make it. This order will relieve you from the embarrassment and I do not doubt that it will be complied with.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

FORT LAFAYETTE, *September 22, 1861.*

GEORGE W. PORTER, Esq.,
Superintendent Reading-Rooms.

MY DEAR SIR: You will oblige me by paying to Mr. Sperry the quarter's rent due for reading-rooms on the 30th instant on that day as I have an important payment due on the 1st that must be met. Also pay him what you can on account of fees for auction sales on that day.

Make my kind regards to such friends who visit "Change" as may manifest real interest and say to them that I demand a trial and to have an opportunity of confronting the scoundrels who preferred the charges against me before the grand jury. Mr. Hopkins and other gentlemen who I learn deprecate now the burning of the bridges should recollect but for that act there would scarcely be a house standing in Baltimore. The approaching troops from Pennsylvania that arrived twenty-four hours after would have been set upon and slaughtered by an infuriated populace beyond any power of mine to protect them—as efficient as was my force—and the whole North would have retaliated and taken full revenge.

I glory in every act of mine connected with my administration and particularly in those connected with the occurrences at that time; and if any portion of that conduct is treason the Government or the

Know-Nothing church-burning clubs of Baltimore with their ladies and friends may convict and hang me as high as Haman before I will recant a word uttered or regret a deed done at that time.

Your friend,

GEORGE P. KANE.

N. B.—I am suffering much from the effects of the fever still. It is a regulation and my request that no portion of this letter be made public or given to a newspaper. Writing is a difficult thing here.

DEPARTMENT OF STATE,
September 25, 1861.

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: No sooner is the conspiracy against the Government defeated than under a natural law of the human mind sympathy begins to rise in behalf of the agents of the crime held under duress. Among the prisoners recently arrested Mayor Brown is represented as having been harmless, unoffending and even loyal. Relying implicitly on your discernment and discretion I have to ask your opinion concerning the mayor and the reasonableness or unreasonableness of releasing him.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 25, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: A strong application is to be made to you for the release of Mayor Brown. He is a man of great amiability of character, behaved very well during the outbreak on the 19th of April and I think has been the dupe rather than the willing accomplice of such men as Wallis and Scott. I inclose letters from two of the most respectable gentlemen in Boston,* both of whom you probably know. Doctor Shattuck is a man of great wealth and a warm supporter of the administration. I have also a letter from Mr. Sauerwein, of Baltimore, one of the most intelligent and stern of the Union men in the city, who suggests that the mayor should resign his office and take the oath of allegiance and on these conditions be discharged from custody. Mr. Forbes suggests further that he should be required to reside in Boston at present. This I have no doubt he would readily consent to do as he has relatives and friends there and the political atmosphere of the place might be useful to him. But if he resigns his office there can be no possible objection to his return to this city. He accepted the office of mayor unwillingly and will be glad to retire to domestic life. Should the Government think proper to release him on any or all of these conditions I respectfully suggest that it may be done confidentially through me.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

P. S.—Since the foregoing was written your communication of the 25th has come to hand.

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* Only one inclosure found.

[Inclosure.]

BOSTON, *September 23, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

MY DEAR SIR: I take the liberty of thus addressing you in the midst of your numerous and responsible duties in reference to my brother-in-law, Mr. George William Brown. There are especial reasons in his health and that of his wife why confinement and separation from his family are very prejudicial. He has had symptoms of kidney disease. Deprivation of fresh air and exercise, confinement in a casemate, are likely very much to aggravate his complaints. His wife has had symptoms of heart disease so as to inspire anxiety in her friends and she has already suffered much since her husband was a candidate for the office of mayor. The forcible detention of and separation from her husband are very unfavorable to her health.

I have not the least disposition to complain of Mr. Brown's arrest. The fact of the great importance of having as mayor of the city of Baltimore one heartily in sympathy with the Government is to me a sufficient reason why a mayor who does not look upon this war as a necessity forced upon the Government by its enemies cannot be allowed to hold the office. Supposing that such views may have led to Mr. Brown's arrest would not his release on parole be consistent with the public welfare? In this way imprisonment, imminent risk of life and health to two excellent persons with a large family of children dependent upon them would be averted. If necessary or desirable he and his family could spend the next six months in Boston.

Would it be of any use for me to make an appeal or a statement of these facts to the Secretary of War or go to Washington for this purpose? I wish also to thank you for your courteous treatment of Mr. and Mrs. Brown of which I have heard in letters from Mr. Brown and his children. Whilst his family are not reconciled to the action of the Government they speak of your courtesy and gentleness in the execution of its orders.

Some years have passed since I have had the pleasure of seeing you and in that interval he whose name I bear and on whose account I am bold thus to intrude upon you has been taken to his rest. He may well now be accounted happy in having been taken from the evils to come. And yet if we now on the active stage of life can be true and loyal, faithful and steadfast whether in high offices of trust and responsible situations or as private citizens it seems to me that at the end we may not have cause to regret that our lot has been cast in these perilous and troubled times.

With respect and regard, very truly yours,

GEO. C. SHATTUCK.

FORT LAFAYETTE, NEAR NEW YORK,
September 25, 1861.

General JAMES M. ANDERSON.

My DEAR GENERAL: I received your kind note this moment containing Mrs. Kane's check for $20 and informing me of the satisfactory condition of my family.

We are very ignorant of the condition of things in Baltimore except what we glean from the filthy and corrupt press of New York. We occasionally get a glance at the Baltimore Sun which seems to contain

nothing of public interest but rehashes of the abominable falsehoods manufactured by Fulton of the American, and other Abolition instruments of the Associated Press. Please ask Abell for me whether it would not be as well and still within the compass of the shackles which I suppose have been put upon his press to omit the circulation of such abominable trash.

I write this in a spirit of kindness but assure you that it is deeply mortifying to all Marylanders even in the condition of people situated as we are in prison to find papers professing to be independent and whose editors are known not to be necessitated by want of bread to be made to appear to the world as sycophants and cowards. Scarcely a paper reaches us but what contains telegrams known to be false and libelous upon the motives and acts of those who by consanguinity and interest are identified with Maryland people.

Our condition here is a hard one for gentlemen who have lived as we have but I have good reason to believe that Colonel Burke with all that has been said is in no way chargeable with the unnecessary restrictions placed upon us. I am in no way broken down in spirits though I must confess that I am greatly exercised in mind at times by the condition of my fellow-citizens of Baltimore, which I can easily imagine from the names of the murdering villains who I perceive have again raised their heads and even flourish in place and power.

I desire to be affectionately remembered to Mrs. A. and family and to all friends.

As ever, yours sincerely,

GEORGE P. KANE.

P. S.—It is my request and a regulation of the post that no portion of this letter be published in the newspapers.

DEPARTMENT OF STATE,
Washington, September 27, 1861.

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore.*

GENERAL: If you think that George William Brown ought to be released upon his taking the oath of allegiance, resigning the office of mayor and residing in some one of the Northern cities for a time and if you think also that he would accede to these conditions you will please take such proceedings as you suppose necessary to have the propositions made by him to yourself. I shall not act in any of the cases without [your] advice.

I am, general, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, October 5, 1861.

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: I transmit a copy of a letter of the 30th ultimo addressed to the President by George P. Kane from Fort Lafayette setting forth inconveniences attending his confinement which should it seems to me be remedied so far as this may be practicable compatibly with his safe-keeping.

I am, sir, respectfully, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

FORT LAFAYETTE, NEW YORK BAY,
September 30, 1861.

His Excellency the PRESIDENT.

SIR: I have the honor to submit to Your Excellency for consideration the following statement of facts:

On the 27th of June last I was taken from my bed at my dwelling in the city of Baltimore about 3 o'clock in the morning by an armed body of about 1,000 or 1,200 men and conveyed to Fort McHenry. The officers commanding the military referred to had no warrant for and as they informed me did not know the cause of my arrest. General Banks informed my counsel that I was not taken on any specific charge but merely detained as an act of military precaution, and also requested the commanding officer of Fort McHenry to make the same statement to me and that it was done by a special command of Your Excellency.

Whilst at that post I contracted the fever resulting from the malaria incident to that locality at certain seasons with which I suffered for upwards of a month, and whilst still laboring under its effects was transferred to this place. On my arrival here notwithstanding my debilitated condition I was placed in a casemate on the ground floor paved with brick with just space enough for my bed between the gun by my side and the partition of the apartment in which have been incarcerated with me as many as between thirty and forty other prisoners at the same time thus rendering the atmosphere most offensive and pestiferous.

Among other effects of the fever increased by my present confinement I am suffering with prostration of the bowels and required to repair to the only convenience for the purpose by the sea-side outside of the fort ten and twelve times in the twenty-four hours in all kinds of weather. I am locked in my prison room from 6 p. m. till 6 a. m. and only allowed to take with me one tumbler of water for use during that period. Whilst suffering great agony from the promptings of nature and effects of my debility I am frequently kept for a long time at the door of my cell waiting for permission to go to the water-closet owing to the utter indifference of some of my keepers to the ordinary demands of humanity. I am compelled to obtain at my own expense the mere substantial provisions which I require because the fare prescribed for the State prisoners is not fit for one in full health much less for a person in my present condition.

These facts were brought to the notice of the U. S. marshal of this district who in company with the chief (Kennedy) of the New York police visited the fort about a week ago, both of whom pronounced my lodgings entirely unsuitable and contrary to your instructions and that both fare and lodgings should be changed, since which I have heard nothing on the subject.

Believing that such treatment as I have received cannot meet with the sanction of the President of the United States I have deemed it proper to address you this communication with the view of respectfully inviting your attention to the facts referred to.

I am, very respecifully, sir, your most obedient servant,

GEORGE P. KANE.

FORT LAFAYETTE, *October 8, 1861.*

His Excellency the PRESIDENT OF THE UNITED STATES.

SIR: The undersigned, prisoners confined in Fort Lafayette, are compelled to address you this protest and remonstrance against the inhumanity of their confinement and treatment.

The officers in command at Fort Hamilton and this post being fully aware of the grievances and privations to which we are obliged to submit we are bound for humanity's sake to presume that they have no authority or means to redress or remove them. They in fact assure us that they have not. Our only resource therefore is to lay this statement before you in order that you may interpose to prevent our being any longer exposed to them.

The prisoners at this post are confined in four small casemates and two large battery rooms. The former are about fourteen feet in breadth by twenty-four or thereabouts in length, with arched ceilings about eight or eight and a half feet high at the highest point, the spring of the arch commencing at about five feet from the floor. In each of these is a fireplace and the floors are of plank. The battery rooms are of considerably higher pitch but the floors are of brick and a large space is occupied in them by the heavy guns and gun carriages of the batteries. They have no fireplaces or means of protection from cold or moisture and the doors are large like those of a carriage-house rendering the admission of light impossible without entire exposure to the temperature and weather without.

In one of the small casemates twenty-three prisoners are confined—two-thirds of them in irons—without beds, bedding or any of the commonest necessaries. Their condition could hardly be worse if they were in a slave ship on the middle passage. In each of two out of the three other casemates ten gentlemen are imprisoned; in the third there are nine and a tenth is allotted to it, their beds and necessary luggage leaving them scarce space enough to move and rendering the commonest personal cleanliness almost an impossibility.

The doors are all fastened from 6 or thereabouts in the evening until the same hour in the morning, and with all the windows (which are small) left open in all weathers it is barely possible to sleep in the foul and unwholesome air.

Into one of the larger battery rooms there are thirty-four prisoners closely crowded; into the other thirty-five. All the doors are closed for the same period as stated above and the only ventilation is then from the embrasures and so imperfect that the atmosphere is offensive and almost stifling. Even during the day three of the doors of one of these apartments are kept closed against the remonstrance of the medical men who are among the inmates and to the utter exclusion of wholesome and necessary light and air.

In damp weather all these unhealthy annoyances and painful discomforts are of course greatly augmented, and where as to-day the prisoners are compelled by rain to continue within doors their situation becomes almost intolerable.

The undersigned do not hesitate to say that no intelligent inspector of prisons can fail to pronounce their accommodations as wretchedly deficient and altogether incompatible with health, and it is obvious as we already feel that the growing inclemencies of the season which is upon us must make our condition more and more nearly unendurable.

Many of the prisoners are men advanced in life; many more are of infirm health or delicate constitutions. The greater portion of them

have been accustomed to the reasonable comforts of life none of which are accessible to them here and their liability to illness is of course proportionately greater on that account. Many have already suffered seriously from indisposition augmented by the restrictions imposed on them. A contagious cutaneous disease is now spreading in one of the larger apartments and the physicians who are among us are positive that some serious general disorder must be the inevitable result if our situation remains unimproved.

The use of any but salt water except for drinking has been for some time altogether denied to us. The cistern water itself for some days past has been filled with dirt and animalcules and the supply even of this has been so low that yesterday we were almost wholly without drinking water. A few of us who have the means to purchase some trifling necessaries have been able to relieve ourselves from this latter privation to some extent by procuring an occasional though greatly inadequate supply of fresh water from the Long Island side.

It only remains to add that the fare is of the commonest and coarsest soldiers' rations almost invariably ill-prepared and ill-cooked. Some of us who are better able than the rest are permitted to take our meals at a private mess supplied by the wife of the ordnance sergeant for which we pay at the rate of a dollar per day from our own funds. Those who are less fortunate are compelled to submit to a diet so bad and unusual as to be seriously prejudicial to their health.

The undersigned have entered into these partial details because they cannot believe that it is the purpose of the Government to destroy their health or sacrifice their lives by visiting them with such cruel hardships, and they will hope until forced to a contrary conclusion that it can only be necessary to present the facts to you plainly in order to receive the necessary relief.

We desire to say nothing here in regard to the justice or injustice of our imprisonment but we respectfully insist upon our right to be treated with decency and common humanity so long as the Government sees fit to confine us.

Commending the matter to your earliest consideration and prompt interference, we are,

Your obedient servants.

[Signed by Charles Howard, George P. Kane, George William Brown, William H. Gatchell, John W. Davis, Henry M. Warfield and seventy-four other State prisoners.]

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On the 14th of October, 1861, the following letter was handed to the prisoners by Lieutenant Wood, commanding Fort Lafayette:

FORT HAMILTON, N. Y., *October 10, 1861.*

Lieutenant WOOD, *Commanding Fort Lafayette.*

SIR: I am directed by Colonel Burke to say to you that you can inform the prisoners that their petition has been forwarded through Colonel Townsend to the President of the United States.

Very respectfully, your obedient servant,

J. C. LAY,
First Lieutenant, Twelfth Infantry.

NEW YORK, *October 8, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant inclosing a copy of a letter dated the 30th ultimo addressed to the President of the United States by George P. Kane from Fort Lafayette setting forth the inconvenience of his confinement, &c. In your letter you express a wish that the same may be remedied as far as the same is practicable with his safe-keeping.

I have no hesitation in saying that from reliable information received by me as regards his health I consider a change from Fort Lafayette to Fort Columbus would be of benefit to him and I do not consider his safe custody would be endangered by his transfer there. You must be aware it is a very difficult matter as a general thing for me to advise in these cases as almost every prisoner confined in Fort Lafayette would endeavor upon some pretext to have his quarters changed.

Very respectfully, yours,

ROBERT MURRAY,
U. S. Marshal.

DEPARTMENT OF STATE,
Washington, October 9, 1861.

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: You will please transfer the prisoner George P. Kane from Fort Lafayette to Fort Columbus.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 9, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I learn from Doctor Shattuck, Mayor Brown's brother-in-law, that he and his friends think he cannot resign the office of mayor without a virtual confession that he has been disloyal to the Government. But Doctor Shattuck proposes that he shall be permitted to go to New England on his parole of honor not to leave there without permission of the Government. If before the 10th of January he shall not have received the permission of the Government to return to Baltimore he shall be allowed to surrender himself into custody at such place as may be designated. Doctor Shattuck adds:

I would like his bounds to be the New England States because he has a sister in New Hampshire with whom another sister is now staying. Both these ladies are strong for the Union. His second son is going to Saint Paul's school at Concord, N. H., and I should like him free to visit at those places. He can convince himself that throughout New England the sober, sensible, intelligent people are acting under a conviction that this war must be carried on vigorously and heartily; that the South gives us no choice. Can I have permission to see him again? I may be in New York early next week and his little daughter with me. Would she be allowed to go with me? I hope to get a favorable answer from Mr. Brown without seeing him a second time but the influence of his fellow prisoners about him may be adverse and prevail and I may wish to have another conversation with him.

In regard to Mayor Brown's resignation the election of to-day will decide whether it will be of any consequence. The presiding officer of the first branch of common council officiates during the absence of the mayor from the city. We elect the members to-day and are confident of a triumphant result.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

DEPARTMENT OF STATE,
Washington, October 11, 1861.

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore.*

GENERAL: If you approve Mr. Brown may be released on taking the oath and giving his parole not to do any act or hold any correspondence treasonable or injurious to the Union, and not to enter the State of Maryland or any insurrectionary State during the insurrection. These restraints to be removed only by direction of the Secretary of State.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS,
Fort Columbus, N. Y., October 12, 1861.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

SIR: I received yesterday from the [U. S.] marshal Kane, the ex-police marshal of Baltimore. I have allowed Marshal Kane to quarter with the prisoners of war captured at Hatteras Inlet he giving his parole the same as the war prisoners.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

FORT WARREN, BOSTON HARBOR, *October 22, 1862.*

SECRETARY OF WAR:

I am requested to visit Boston to see a dear friend in Boston who is not expected to live many hours. Will you telegraph Colonel Dimick to permit me to go if satisfied of the facts. Please reply by telegraph at once.

GEO. P. KANE,
Prisoner.

DEPARTMENT OF STATE,
Washington, October 23, 1861.

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Complaints still come that the comforts which might be allowed the prisoners at Fort Lafayette are not enjoyed by them. Although these complaints have their origin in reports which arose before you went there to look after the comfort of the prisoners you will proceed again to the fort and remedy what admits of remedy.

It is complained of now that Marshal Kane is denied a requisite supply of air and exercise at Fort Columbus. Please have this complaint removed as far as is possible consistently with the circumstances of his confinement.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

FORT LAFAYETTE, *October 23, 1861.*

Col. M. BURKE, U. S. Army,
Commanding Fort Hamilton.

SIR: I have felt called upon to address a communication to the honorable the Secretary of War in which I make charges against yourself and Lieut. C. O. Wood, in command at this fort, in reference to your and his conduct toward myself and the other prisoners here confined. I transmit the same to you herewith,* requesting that it may be forwarded with as little delay as practicable.

I am, your obedient servant,

CHARLES HOWARD.

FORT LAFAYETTE, *October 23, 1861.*

Lieutenant-Colonel BURKE.

SIR: Lieutenant Wood has communicated to me the contents of your note to him of this date.† Permit me to say in reply to your allusions to the course I have thought proper to pursue that you mistake me much if you suppose as you seem to do that a mere desire to embarrass or annoy you or the officers under you has prompted me to write the letters which have been returned to me. The fact that little or nothing has been done to make me or my fellow prisoners decently comfortable is self-evident to any one who chooses to inspect our quarters and it was on that account that I chose to speak in terms of indignant denunciation of those who are responsible for the privations I suffer. If I made or sought to make the officers of the garrison the instruments to convey my complaints it was because I am denied any other alternative. The invidious allusions which you have deemed it necessary to make in regard to me I need not and do not propose now to discuss but you will permit me to remind you that if you have duties to discharge I have rights to vindicate. The only one of these which has not been absolutely destroyed is the right of free speech within the narrow bounds of my prison and this it is my duty and purpose to defend to the last. In the exercise of this poor privilege I wrote the letters which I knew would pass through your hands. As you have forwarded to the adjutant-general the correspondence between Lieutenant Wood and yourself I beg that you will do me the justice to forward also this note.

I remain, your obedient servant,

F. K. HOWARD.

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* Inclosure to Burke's letter of October 25, *post.*
† Not found.

HEADQUARTERS,
Fort Hamilton, New York Harbor, October 24, 1861.

Lieutenant WOOD, *Commanding Fort Lafayette.*

SIR: Please say to Mr. Howard that I cheerfully forward his note of the 23d instant to Colonel Townsend agreeably to his request. However much the efforts of the Government have fallen short of the expectations of the prisoners to make them as comfortable as they may desire still I must say that every exertion is being made by the Government for that purpose and such exertions will certainly be continued.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army.

HEADQUARTERS,
Fort Hamilton, New York Harbor, October 25, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General.

SIR: Inclosed please find a letter from one of the prisoners at Fort Lafayette in which he makes what he is pleased to call charges against myself and Lieutenant Wood. The only charge against me is that I have not visited Fort Lafayette personally to inspect the condition of that fortress and its inhabitants. The cause of my absence will be fully explained by E. Delafield Smith, esq., U. S. district attorney for this district, and is one which has not only prevented me from visiting Fort Lafayette but has kept me closely within these walls to my great personal inconvenience and discomfort. I am happy to have learned from Mr. Smith within a few days that I shall probably shortly have more liberty. Independently of this, however, I would not have had much time for personal inspection of Fort Lafayette as my position requires that between 100 and 200 letters to and from the prisoners should be daily inspected under my own supervision—a task which I could never complete even with the assistance of the officer General Scott was kind enough to allow me were it not for the voluntary services of several of the gentlemen of the Twelfth Infantry.

With regard to the conduct of Lieutenant Wood, who has charge of Fort Lafayette, I know of no part of it which could justify Mr. Howard in his charges. What offense the commanding officer of this post can have committed against the Howard family he is utterly at a loss to say unless it be a kind and courteous remark introduced by him in his letter of instructions to Mr. Wood, a copy of which has been furnished you, and which was intended merely as a gratuitous mark of respect for a distinguished family of his native State.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT LAFAYETTE, *October 23, 1861.*

Hon. SIMON CAMERON,
Secretary of War, Washington, D. C.

SIR: The orderly sergeant has this morning by order of the commanding officer of this post read to me in presence of a number of persons a letter from Col. Martin Burke to Lieut. C. O. Wood written

in reply to a communication from the lieutenant to him. Copies of both of these letters* Colonel Burke states he has forwarded to Washington. I have asked for a copy of the colonel's letter but have not learned whether it will be given. In that letter which is obviously intended as a rebuke to some of those confined here Colonel Burke has undertaken to allude to the character and standing which my family have borne for the purpose of introducing an offensive imputation that one member of it has acted in a manner unbecoming a gentleman. This charge I claim the right distinctly and directly to repudiate and I have also to demand that an inquiry be made under your authority into the conduct of Colonel Burke and of Lieutenant Wood in relation to their treatment of those confined at this place.

I now formally charge Colonel Burke with conduct unbecoming an officer and also with neglect of duty. He has not so far as any prisoner here is aware been within this fort since on or about the 5th day of August last and in undertaking to judge of Lieutenant Wood's manner of discharging his duties toward the prisoners under his charge he must have acted upon the statements of that officer himself. The surgeon of the post and one other officer from Fort Hamilton have occasionally exchanged a few words with some of the prisoners; but whenever any of the latter have attempted to make any representations to them of our condition and treatment both of those officers have declared that these matters were not in any manner within the sphere of their duties.

There has therefore been no inspection of this prison in which upwards of 100 persons are confined which would enable Colonel Burke to judge of the accuracy of the reports which he may have received. In the absence of all such means of knowledge or information Colonel Burke has stated in an official letter that Lieutenant Wood, an officer under his command, has "devoted his whole time to promoting the comfort of prisoners here" or words to the same effect. This statement I charge to be not warranted by the facts and to be entirely incorrect. I charge and aver that Lieutenant Wood has not only not devoted all or even much of his time to the promoting of our comfort, but that on the contrary he has neither in his general bearing nor in his conduct toward those consigned to his custody paid that attention to their comfort which even under the circumstances which the Government deemed sufficient to warrant their imprisonment they have a right to demand.

The immediate cause of the rebuke attempted to be administered to us by Colonel Burke was a letter written to a friend by Mr. F. K. Howard, my son. However strong may have been the language used in that letter it was the natural expression of feelings which are shared by every prisoner here whose opinion I have heard. Among these are many gentlemen of high character and standing in the country. No intimation has been given by Colonel Burke that any specific fact stated in the letter was not true. Should he controvert a single one my relations to the writer of the letter and the mention made by Colonel Burke in his official communication of my family to say nothing of the assurances voluntarily tendered to me by you in Fort McHenry as to the mode in which the Government considered me as entitled to be treated justify me in demanding an opportunity to substantiate it.

Having already addressed to you three communications from this place of which no notice appears to have been taken I should not

* See Volume II, this Series, case of F. Key Howard, for these letters.

again have troubled you but that the issue I have now to make with Colonel Burke involves matters of a personal character to myself and that I make direct charges against him and Lieutenant Wood derogatory to their official positions as officers of the Army. I hope therefore I may not be mistaken in trusting that this communication may receive your early and serious attention.

I am, sir, your obedient servant,

CHARLES HOWARD.

DEPARTMENT OF STATE,
Washington, October 29, 1861.

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I herewith inclose a letter received at this Department from George P. Kane which I will thank you to read and return to me with such suggestions or comments as you may deem proper.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

FORT COLUMBUS, N. Y., *October 26, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to state that Colonel Loomis of this post called on me to-day with your letter to Marshal Murray asking to be informed if your instructions in regard to extending certain comforts to State prisoners and referring to myself by name had been obeyed.

I informed Colonel L. that as the specified subject of his inquiry I had no complaint to make. The quarters assigned me by Colonel L. are I presume as good as he has at his disposal in the barracks and permission is given me to take the air in a large part of the island, and I am in all respects more comfortable than at Lafayette at which place my treatment was characterized by an utter and disgraceful disregard of the common dictates of humanity and not at all in accordance with the instructions which you had caused to be issued to the marshal a copy of which was furnished to me on leaving Fort McHenry.

No arrangement has been made for my board on this island and but for the courtesy of some fellow prisoners I should have to live on the rations of the Government in the state in which they are issued. This I presume is the neglect of the marshal. I have been a prisoner for four months and owing to the delay in obtaining an amount due to me from the United States Government my private affairs have suffered much, and my confinement precluding me from attending to my business has cut off my resources and caused my property to be sacrificed. Under these circumstances it seems to me not just that I should have to pay my own expenses.

I am truly anxious to have my trial and if the delay is owing to any objection to have it take place in Baltimore I am perfectly willing to have it take place in New York or any other State if the Government will sanction it. If this can't be done I am willing to enter into any amount of bail for my appearance at court within a reasonable period so that I can have permission to visit New York or its vicinity to make some arrangement in regard to my private affairs.

In this event I am willing to give my parole of honor to report to the commanding officer here or wherever required and to hold no forbidden intercourse. If as I was informed by General Banks and other officers

in Baltimore my detention is simply a matter of precaution the object of the Government will have been as well attained as by my confinement which is destroying my health. I am now under treatment of the garrison surgeon for an affection of the heart which I attribute to the nature of my confinement at Lafayette.

I am, respectfully, sir, your obedient servant,

GEORGE P. KANE.

DEPARTMENT OF STATE,
Washington, October 29, 1861.

Lieut. Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Although no objection was made to the sending by the marshal of New York to the Baltimore commissioners at Fort Lafayette of a subpœna to appear as witnesses in a case to be tried in Baltimore it was not contemplated to allow the commissioners to be released for that purpose.

I am your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., November 1, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo* inclosing one from George P. Kane which is herewith returned. If Mr. Kane is permitted to visit the city of New York for the purpose of attending to his private business on his parole of honor to surrender himself at a given time and place or whenever and wherever required and in the meantime to have no correspondence and hold no communication with others on political subjects I have no doubt that his engagement will be faithfully kept and that the indulgence may be safely extended to him.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

BOSTON, *November 16, 1861.*

SETH C. HAWLEY.

MY DEAR SIR: I shall feel obliged if you will read the inclosed copies of letters in regard to Mayor Brown's conduct on 19th April. Many more could be added and the petitions of the best and most loyal men in Massachusetts can be obtained in favor of Mr. Brown. I cannot but think it for the public welfare that every leniency should be shown him that is compatible with the safety of Baltimore. I can add my testimony to the inclosed that in private communications with Mr. Brown I was entirely satisfied of his good faith in regard to the President's expected passage through Baltimore; that he was at that time utterly opposed to the doctrine of secession and that his opinions regarding

* See p. 656.

slavery were more liberal than that of any other prominent citizen of Baltimore of my acquaintance. I have the best authority for saying that on the 19th and 20th of April he said to the mob almost at the risk of his life that he was opposed to secession.

I believe he is one of the men who ought to be on our side and if so would be of great value to us when the time comes for conciliation in Maryland. The circumstances of his arrest and first days of imprisonment were unfortunately very harsh and I cannot but think that it would be well for the Government to offer him a month's parole within the State of Massachusetts to attend to his private affairs, he first promising to have no communication of any sort verbal or written regarding Maryland politics. Such a course without committing the Government beyond thirty days would be entirely safe and would have a good effect in removing the remembrance of his too harsh treatment by subordinates at first.

Your obedient servant,

I. M. FORBES.

N. B.—I make these suggestions without any conference with Mr. Brown's relatives here since I saw him and quite as much in the interest of the Government as from my regard for him.

I. M. FORBES.

[Inclosure No. 1.]

PEPPERVILLE, *October 17, 1861.*

Dr. GEORGE C. SHATTUCK.

MY DEAR SIR: Since the arrest of Mayor Brown, of Baltimore, I have on several occasions fallen in with individuals who being personal acquaintances or knowing his public acts have manifested a deep interest in his present situation. To the officers and soldiers of the Sixth Massachusetts Regiment he is an object of especial interest. His manly and heroic conduct on the eventful 19th of April secured to him the esteem and praise of every one of us. I can testify to the admiration that every one in camp manifested in speaking of the events of that day. Those who were eye-witnesses of what he did were eloquent in their praises.

I was at Camp Chase, Lowell, last Tuesday and took the liberty to introduce the subject to the field officers of the Twenty-sixth (formerly the Sixth) and I found that the same lively sense of indebtedness to Mayor Brown remained fresh as ever. I proposed that we should unite in an effort to procure some mitigation of the trouble under which he is laboring in the way of signing a petition for his relief. To this no objection was offered but this that it seemed a measure of questionable propriety for gentlemen holding military offices under the United States Government to interfere officially in any proceedings of the State authorities. Still it was the wish of all that their high esteem for Mayor Brown should be expressed in any proper way.

At a dinner of the class of 1828 at the Parker House, Boston, yesterday I was glad when the situation of Mayor Brown became (being suggested by me) the topic of conversation. Hilliard (George S.), Tappan, Loring, Bowditch, Rand and others, all of Boston, were warm in their expressions of esteem and sympathy. I was glad when Hilliard remarked that a petition for Mr. Brown's release on parole was about to be drawn up and signed by gentlemen of Boston. I hope it will be a successful effort. I should esteem it an honor if I could be permitted to affix my name with the rest.

I have often listened to the story as our men in camp related the doings of Mayor Brown as they fought their way through Baltimore. I have my doubts whether we should have gotten through at all without his aid; and if we had not God alone knows what would have been the present posture of our national affairs. My prayers and efforts shall never be wanting in behalf of a man who could do so bravely what he did on that memorable occasion.

Very respectfully, your obedient servant,

CHARLES BABBIDGE,
Chaplain of the Sixth Massachusetts Regt., Mass. Vol. Militia.

[Inclosure No. 2.]

LOWELL, *October 22, 1861.*

This may certify that at the passage of the Sixth Regiment Massachusetts Volunteer Militia through Baltimore, April 19, I led the rear companies. In the midst of the attack by the populace Mayor Brown was at my side and signified a willingness to take any position or to render any service in his power. I can bear witness to his patriotic and heroic conduct on that occasion.

A. S. FOLLANSBEE,
Captain Company C, Sixth Regiment Massachusetts Vol. Militia.

[Inclosure No. 3.]

146 BROADWAY, NEW YORK, *October 24, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: The Hon. George William Brown, now a State prisoner at Fort Lafayette, is an old friend and college mate of mine and I regret very much to find him in the position he now occupies. I know not of course whatever evidence there may be now to justify his imprisonment but presume it is undoubtedly sufficient. But I inclose herewith a letter he wrote me in 1855 showing what his sentiments were at that time and I trust they are not different now. At all events I should be gratified with a permit to go and see him as a friend and hope you will send me one. Be kind enough to send me back the inclosed letter.

Very truly, &c.,

JNO. S. PATTERSON.

[Sub-inclosure.]

BALTIMORE, *October 1, 1855.*

JOHN S. PATTERSON, Esq., *293 Broadway, New York.*

MY DEAR PATTERSON: Yours of the 29th instant received this morning and your approbation of my address and concurrence in the views it contained give me sincere pleasure. I am a very ardent Republican and yet cannot fail to see that there are evils and shortcomings in this great country, and that now especially it is in a situation of great peril but I have not time at present to go into this matter.

* * * * * * *

Respectfully,

GEO. WM. BROWN.

HEADQUARTERS, *Baltimore, November 18, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The inclosed preamble and resolutions signed by all the members of the first branch of the city council of Baltimore and the accompanying letter* of the provost-marshal express the general feeling of the Union men of the city in regard to the liberation of certain State prisoners. They are respectfully forwarded for the information of the Government.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Inclosure.]

At a meeting of the members of the first branch of the city council of Baltimore held the 15th November, 1861, the following preamble and resolution were unanimously adopted:

Whereas, we have been informed that application has been made to Government for the release of the political prisoners arrested in this city and detained in the national fortresses; and

Whereas, we are confident that the liberation of said prisoners and their return to our midst at this time would be fraught with immense danger to the loyal cause: Be it

Resolved, That we respectfully urge Maj. Gen. John A. Dix to remonstrate with the Government upon this subject and oppose the contemplated action.

S. F. Streeter, *chairman, pro tem.;* James Young, *secretary;* Philip Kirkwood, John Lee Chapman, John Dukehart, Samuel Duer, Edwd. S. Lamden, C. Sidney Norris, John Barron, Thos. W. Cromer, D. H. Hoopes, Thos. H. Mules, J. M. Kimberly, Wm. Sullivan, A. Schwartze, Wm. S. Crowley, John Evans, Peter G. Sauerwein, Wm. T. Williams, Andrew J. Burke.

BALTIMORE, *November 27, 1861.*

General JOHN A. DIX, *Baltimore.*

DEAR SIR: We desire to enlist your sympathy and favor in a matter of humanity. Mr. Griffith, the father-in-law of Mr. George P. Kane, is at a point of death; he may not live twenty-four hours. He is very desirous to see Kane before his death. Kane's wife and a maiden sister compose the family. They are in great distress. Some of the signers having known the family for thirty years feel great interest for them. We think the Government could not suffer injury by permitting Kane to come on for a short time to see or attend the funeral of the old gentleman. We are all uncompromising Union men. Hoping you will get speedy permission for his visit to Baltimore, we are yours,

Very truly,

JAMES HOOPER, SR.
C. A. GAMBRILL.
JOHN CLARK.

[Indorsement.]

Respectfully referred to the Secretary of State with the recommendation that Mr. Kane may be allowed to come to Baltimore on his parole for the purpose mentioned.

JOHN A. DIX,
Major-General.

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* Not found.

DEPARTMENT OF STATE, *Washington, November 27, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: I have the honor to inclose herewith some statements together with a report from Seth C. Hawley, esq., in reference to George William Brown, of Baltimore, Md. Will you have the goodness to return them to me after examination with such suggestions as you may have to make in the case?

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

[Inclosure No. 1.]

413 BROOME STREET, NEW YORK,
November 26, 1861.

F. W. SEWARD, *Assistant Secretary of State, United States.*

DEAR SIR: At the earnest request of several prominent citizens of Boston of unquestioned loyalty I make this communication in relation to George W. Brown, late mayor of Baltimore. His case is perfectly known to your Department and requires no comment by me.

The specialty in his case consists in this: On the fatal day in April when men of Massachusetts were massacred in the streets of Baltimore Mayor Brown marched with the troops at the peril of his life and heroically did all in his power to give them safe conduct. It was by his order that they fired upon the assailing mob. On that occasion at the peril of his life he said in public that secession was a heresy that he would not tolerate. Hundreds of Massachusetts men witnessed his attitude. It was a time of trial and danger. They feel gratitude and sympathy for and with him such as common danger is sure to produce. From these causes there is a general desire in Massachusetts that this rigor of imprisonment may be mitigated as far as public safety will allow.

Mr. Brown told me that in regard to his business it would be a great favor to be allowed to live in Boston on parole so that he could call his family to him and conduct his business by correspondence. I am of opinion that such a course with him would be safe. I inclose an application on his behalf by Mr. George C. Shattuck, a respectable and loyal man, and other papers illustrating the present state of public feeling in relation to Mr. Brown.

I am, very respectfully, yours,

S. C. HAWLEY.

[Inclosure No. 2.]

BOSTON, *November 20, 1861.*

SETH C. HAWLEY, Esq.

MY DEAR SIR: Referring to my letter of the 16th I now beg leave to inclose an application from Doctor Shattuck to Mr. Seward in behalf of Mayor Brown and to beg you to forward it with such indorsements as you can consistently give. I can only say that I think the public interest would be promoted by such an act of leniency and to add my own request to Doctor Shattuck's.

I am, yours, truly,

I. M. FORBES.

[Sub-inclosure.]

BOSTON, *November 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

SIR: I respectfully ask that my brother-in-law, George William Brown, mayor of Baltimore, be released from custody at Fort Warren for the period of thirty days from an early day next month on his parole that he will not leave the New England States and will not meddle with the public affairs of the State of Maryland or the city of Baltimore but will comport himself as a true and loyal citizen. The object of this release is to allow him to attend to his private affairs and especially to those of his family in relation to the unsettled estate of my father-in-law, the late Frederick William Brown, of Baltimore, the interests of several persons of undoubted loyalty requiring his advice and co-operation. He was taken very suddenly and has not been able to make such arrangements as the interests of those connected with him require.

With respect, your obedient servant,

GEO. C. SHATTUCK.

SIR: I beg leave to add to the above the expression of my earnest conviction that a compliance with Doctor Shattuck's request will be for the public interest and will personally oblige many loyal citizens including

Your obedient servant,

I. M. FORBES.

HEADQUARTERS, *Baltimore, November 28, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I am decidedly of the opinion that it would be well for public reasons to allow Mr. Brown, mayor of this city, to be released on parole for thirty days on condition that he shall not leave the New England States. The provost-marshal whom I usually consult in matters of this kind fully concurs. I have the honor to return the papers inclosed to me.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[Indorsement.]

NOVEMBER 28, 1861.

I am unable to see any possible objection to granting the petition. Mr. Brown is a gentleman and will not violate his parole and I think the public service will not suffer by this act of clemency.

GEO. R. DODGE,
Provost-Marshal.

BALTIMORE, *November 28, 1861.*

Hon. WILLIAM H. SEWARD:

Colonel Kane's father-in-law died this morning. His family are very anxious that the colonel should be here at the funeral and attend to some

matters of interest. They suggest that if you grant the permission that a telegraph dispatch to Boston would enable h m to reach here in time. They also solicit your answer to me.

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE,
Washington, November 28, 1861.

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore:*

Your telegram received. George P. Kane has been released for three weeks on parole.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, November 28, 1861.

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: George P. Kane may be allowed to visit Baltimore to attend the funeral of his father-in-law and be absent three weeks on giving his parole that he will return at the end of that time and will do no hostile act to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, November 29, 1861.

JOHN S. KEYES, Esq., *U. S. Marshal, Boston.*

SIR: It has been represented to me that Mr. George W. Brown, mayor of Baltimore, wishes to be released from custody for a period of time upon the following conditions, viz: That he will give his parole of honor that he will not leave the State of Massachusetts and that he will neither hold any correspondence himself nor be engaged with any persons residing in the insurrectionary States during the present hostilities without permission from the Secretary of State, and that he will not do any act hostile or injurious to the Government of the United States and that at the expiration of that period he will voluntarily deliver himself up to you to be recommitted. I will thank you to visit him and if upon inquiry such is the case you may release him for the period of thirty days upon the conditions named and report to me.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

U. S. MARSHAL'S OFFICE, DISTRICT OF MASSACHUSETTS,
Boston, December 3, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: I have the honor to report that I visited Fort Warren to-day with your instructions for the release of Docter Lynch and Doctor Macgill on certain conditions and they both declined to comply with the terms proposed, Doctor Lynch declining to take the oath though at the same time expressing his willingness to give his parole of honor to the same

effect, and Doctor Macgill declining to resign his office as State senator though willing to take the oath. Mayor Brown, of Baltimore, accepted the parole tendered him for thirty days and signed it at once but does not leave the fort till to-morrow when his leave of absence will commence. I have retained his parole not knowing whether the Department would wish it forwarded to Washington or kept here till it expires.

I am, very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

Resolution offered in the House of Representatives December 10, 1861.

Resolved, That the Congress alone has the power under the Constitution of the United States to suspend the privilege of the writ of habeas corpus; that the exercise of that power by any other department of the Government is a usurpation and therefore dangerous to the liberties of the people; that it is the duty of the President to deliver Charles Howard, William H. Gatchell and John W. Davis to the custody of the marshal of the proper district if they are charged with any offense against the laws of the United States to the end that they may be indicted and enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the crime is alleged to have been committed.*

U. S. MARSHAL'S OFFICE, DISTRICT OF MASSACHUSETTS,
Boston, January 4, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: I have the honor to report that George William Brown, of Baltimore, has this day surrendered himself to me pursuant to the terms

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*Mr. Bingham, of Ohio, chairman, reported back and asked that the Judiciary Committee be discharged from further consideration of the memorial of the Baltimore police board. Mr. Pendleton, of Ohio, moved to recommit the report to the Judiciary Committee with instructions to report the foregoing resolution. On motion of Mr. Bingham the whole subject was laid on the table by the following yea and nay vote:

Yeas.—Messrs. Aldrich, Alley, Arnold, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Jacob B. Blair, Samuel S. Blair, Blake, Buffinton, Burnham, Calvert, Campbell, Chamberlain, Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Cravens, Davis, Dawes, Delano, Diven, Duell, Dunlap, Dunn, Edgerton, Edwards, Eliot, English, Fenton, Fessenden, Franchat, Frank, Goodwin, Granger, Grider, Haight, Hale, Hanchett, Harrison, Holman, Hooper, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Law, Loomis, Lovejoy, McPherson, Mallory, Maynard, Menzies, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Noell, Olin, Patton, T. G. Phelps, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, Riddle, Edward H. Rollins, Sargent, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Smith, Stevens, Stratton, Benjamin F. Thomas, Francis Thomas, Train, Trimble, Trowbridge, Upton, Van Horn, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Wilson, Woodruff, Worcester, and Wright—108.

Nays.—Messrs. Allen, Aucona, Joseph Baily, Biddle, George H. Browne, William G. Brown, Cooper, Fouke, Harding, Johnson, Lazear, May, Morris, Noble, Norton, Pendleton, Perry, Robinson, Shiel, John B. Steele, William G. Steele, Vallandigham, Wadsworth, Ward, Chilton A. White, and Wickliffe—26. (See proceedings of the House of Representatives for December 10, 1861, in Congressional Globe.)

of his parole. Not having any directions from the State Department in regard to his recommitment and this gale of wind making it very difficult if not impracticable to land at Fort Warren I have taken the liberty to retain him in custody and ask for instructions in the premises. He expresses no desire to have his parole extended but an earnest wish to be allowed to return to Baltimore and resume the performance of his official and private duties.

I am, very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

U. S. MARSHAL'S OFFICE, DISTRICT OF MASSACHUSETTS,
Boston, January 14, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: I have the honor to report that on the receipt of your letter of the 6th instant* I communicated its contents to George William Brown, esq., and he desired a day or two to see his friends and make his arrangements to return to the fort as he declined to accept the parole extension. This I granted him and on Saturday last I recommitted him to the fort pursuant to your order. As I did not return him there in season to make a report that night I deferred doing it on Monday as yours of the 11th instant* extending his parole ninety days came to hand and I waited till to-day for his reply thereto. He respectfully declines this also on the ground substantially that it would be consenting to his banishment from his home and duties to accept it. I regret very much that he should be so punctilious as from considerable intercourse with him I am fully satisfied of his loyalty at heart and think he might safely be at large here certainly if not in Baltimore. Mrs. Brown, his wife, and her brother, Dr. George C. Shattuck, of this city, one of our oldest and most respected physicians, desire to obtain permission to visit him on Monday next, the day before Mrs. Brown leaves here to return to Baltimore, to consult with him in relation to family matters and I am confident will not abuse the privilege if it can be accorded to them.

I have the honor to be, very respectfully, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

STONEHAM, MASS., *March 17, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

DEAR SIR: On the 19th of April, 1861, while marching through Baltimore at the head of my company I was shot down in the streets by the cowardly mob who attacked us of the Sixth Regiment of Massachusetts Volunteer Militia. I was cared for by kind-hearted men of the city immediately and received every care and attention I could have received among friends, and as soon as his honor Mayor Brown, of Baltimore, learned of my whereabouts he was much interested in my

* Not found.

case and visited me doing all in his power in my behalf and of other wounded soldiers of the same regiment. Mayor Brown is now confined at Fort Warren, Boston Harbor, as a prisoner. For his many kindnesses to myself and comrades I would like permission to visit Fort Warren to see him if it would not be incompatible with the public interests. I feel it my duty to repay him for his many kindnesses to us unfortunate wounded of the Massachusetts Sixth Regiment so far as may be done with honor and consistent with my duty to the National Government. I was on the 19th day of April last captain and commanding Company L, Sixth Regiment Massachusetts Volunteer Militia, and am now receiving a pension of the General Government. With the prayer that I may be granted permission to visit Fort Warren,

I remain, &c., your humble servant,

JOHN H. DIKE.

[Indorsement.]

The statement of Captain Dike is true and he is one of our most loyal and brave citizens. He is yet a cripple from the wound he received on the 19th of April. He is now a member of the Massachusetts house of representatives.

[WM. SCHOULER,]
Adjutant-General of Massachusetts.

[BALTIMORE, *November 29, (?) 1862.*]

TO THE EDITORS REPUBLICAN:

The accompanying brief address was designed to appear in the morning papers and with that view was sent to the only two reputed independent morning journals which as I am informed have circulation among Marylanders—the Sun and Gazette. The publication was, however, declined by these journals, not as they informed me because of their dissent from the truth of what I say but because such truths are not allowed to be published in Baltimore by the despotic censorship to which they are compelled to submit.

GEO. P. KANE.

[Inclosure.]

BALTIMORE, *November 29, 1862.*

TO MY FELLOW-CITIZENS OF THE STATE OF MARYLAND:

After an incarceration of seventeen months* in four of the forts of the United States now converted by the Government into prisons which have no similitude but in the Bastile of France I avail myself of the first moment of my return to my native State to address a brief word to you.

In this imprisonment I am understood to have been the special victim of Mr. Secretary Seward, who in concert with his hired minions has omitted no occasion to heap upon me accusations which he knew to be false and therefore dared not bring to the ordeal of a public trial.

To these charges the despotic censorship of the prisons in which I have been kept allowed me no reply; and I can only now promise that in due time and upon a proper occasion Mr. Seward shall hear from me in a way which will procure for him if he has not already acquired it the contempt of every honest man and woman in the land.

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* See p. 748 for Secretary Stanton's telegraphic order of November 26, 1862, releasing Kane, Brown, Howard, and Gatchell unconditionally.

Without having been held upon any specific charge I am turned out of prison without any reason being assigned for it; and thus in my arbitrary arrest and release I illustrate the most flagrant violation of constitutional liberty.

It would be unbecoming the dignity of the subject to cast abusive epithets upon the author of this gross outrage; but when allowed the opportunity I pledge myself under pain of the forfeiture of the good opinion you have always honored me with to show that all that is bad in a man, unpatriotic in a citizen and corrupt in an officer finds itself concentrated in this individual.

GEO. P. KANE.

ATTORNEY-GENERAL'S OFFICE,
January 6, 1863.

WILLIAM PRICE, Esq.,
U. S. District Attorney, Baltimore.

SIR: I am not prepared for an exact answer to your letter of the 5th about the case of George P. Kane. Serious doubts are entertained here whether you could at this time safely go to trial in any treason case in Baltimore by reason of the supposed popular feeling and judicial bias. Of course you are far better informed than I can be in that matter, and I would be very glad to have your views upon it. I have written to General Schenck a private note upon the subject and told him that if he wished information for consultation he might safely apply to you. As to the steps to be taken after indictment but preliminary to trial I should very reluctantly charge myself with the ordinary forms and the minute particulars of prosecution for the district attorneys on the spot are far better judges of those matters than I can be at a distance. Besides if I assume it as my duty I fear I shall be overwhelmed with the multitude and variety of the work. Of one thing, however, be assured that as far as I can I will shield you against all unjust assaults on account of the discharge of your official duties.

Most respectfully, sir, your obedient servant,

EDWARD BATES.

Arrest and Detention of Certain Members of the Maryland Legislature.

Memoranda concerning the arrested members of the Maryland Legislature.—From Record Book, State Department, "Arrests for Disloyalty."

E. G. Kilbourn, speaker of the Maryland House of Delegates, was arrested by Major-General Dix in Baltimore September 20, 1861, and conveyed to Fort Lafayette and subsequently transferred to Fort Warren. Kilbourn was as stated by General Dix a "dangerous secessionist." Provost-Marshal Dodge, of Baltimore, reports of him as follows, viz:

E. G. Kilbourn was speaker of the house of delegates and exercised much influence; was very violent; a Northern man by birth; we think him a dangerous man and that he should be retained.

The said E. G. Kilbourn remained in custody at Fort Warren February 15, 1862.

Doctor Lynch, a member of the State Senate of Maryland, was arrested September 26, 1861, by the military authorities of the United States and committed to Fort Lafayette from whence he was afterward transferred to Fort Warren. This arrest was made as a measure of military precaution to guard against the treasonable purposes of the conspirators who sought to overthrow the power of the National Government in Maryland and to plunge that State into civil war. Application having been made for the release of Doctor Lynch an order was issued from the Department of State January 20, 1862, directing Colonel Dimick, commanding at Fort Warren, to discharge him on his taking the oath of allegiance and stipulating that he will not enter the insurrectionary States nor hold correspondence with residents thereof nor do any act hostile to the United States. He was accordingly released January 24, 1862.

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Dr. Charles Macgill of Hagerstown, Md., a member of the senate of that State, was arrested on or about the 30th day of September, 1861, by Major-General Banks by direction of the Secretary of State and taken to Fort McHenry from whence he was afterward transferred to Fort Lafayette and still later to Fort Warren. Macgill was charged on oath with disloyal sentiments and purposes and with having declared his intention to give aid to the rebel cause to the extent of contributing every dollar he could spare to the support of the war and that he was going to see if he could not make arrangements in Virginia to fill Pennsylvania with troops. On the 9th of October, 1861, Doctor Macgill was offered his release on condition of taking the oath of allegiance with proper stipulations of security which he refused to do. The said Macgill remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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William E. Salmon was arrested by order of the military authorities at Frederick, Md., September 17, 1861, and committed to Fort Lafayette and from thence transferred to Fort Warren by order of the Secretary of State. He was charged with being a disloyal member of the Maryland Legislature. An order was issued from the Department of State dated December 23, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Salmon on his taking the oath of allegiance stipulating that he will do no act hostile to the Government of the United States during the present insurrection, &c. He was accordingly released December 27, 1861.

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Clarke J. Durant, of Saint Mary's County, Md., a member of the Legislature from that county, was arrested at Frederick on the 17th of September, 1861, by Major-General Banks acting under the order of the War Department. He was taken to Annapolis and thence by sea to Fort Lafayette and subsequently transferred to Fort Warren. Durant was one of the band of disloyal members of the Legislature of Maryland who were known to be conspiring to pass an act of secession. His arrest was a measure of military precaution for the preservation of the public peace and to prevent the consummation of that treasonable design. On the 16th of December, 1861, an order was issued to release Durant from confinement on his taking the oath of allegiance which

he refused to do. The said Durant remained in custody at Fort Warren February 15, 1862, when he was transferred to the charge of the War Department.

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George W. Landing, of Worcester County, Md., a member of the Legislature, was one of the faction conspiring to pass an act of secession in that body and was therefore arrested by military authority as a measure of precaution to prevent the consummation of that design and to preserve the public peace. The Department of State has no information of the time of his arrest. He was transferred from Fort Lafayette to Fort Warren on the 1st of November, 1861. On the 26th day of November, 1861, Landing was released from confinement on taking the oath of allegiance with stipulations against future misconduct.

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Bernard Mills, of Carroll County, Md., member of the Legislature from that county, was arrested at Frederick on the 17th of September, 1861, by Major-General Banks by order of the War Department. He was taken to Annapolis and thence to Fort Lafayette and subsequently transferred to Fort Warren. Mills was one of the band of disloyal members of the Legislature of Maryland who was known to be conspiring to pass an act of secession. His arrest was a measure of military precaution for the preservation of the public peace and to prevent the consummation of that treasonable design. The said Bernard Mills remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Josiah H. Gordon was a member of the Legislature of Maryland from the county of Allegany and was one of the party of conspirators known to be plotting to pass an act of secession. He was arrested on the 17th day of September, 1861, at Frederick by Major-General Banks under orders of the War Department and taken to Annapolis whence he was sent by sea to Fort Lafayette and afterwards transferred to Fort Warren. Gordon stated on his arrest that he had always sympathized with the secessionists and was connected and interested with them. This arrest was made as a measure of military precaution to guard against the treasonable purposes of the conspirators in the Legislature. The said Gordon remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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L. G. Quinlan was arrested by order of General Dix September 13, 1861, and committed to Fort McHenry and from thence transferred successively to Fort Lafayette and Fort Warren. He was charged with being a disloyal member of the Maryland Legislature. An order was issued from the Department of State dated November 23, 1861, directing Colonel Dimick, commanding at Fort Warren, to release Quinlan on his taking the oath of allegiance stipulating that he will neither enter nor correspond with the States in insurrection against the authority of the Government of the United States nor do any act hostile to the United States during the present insurrection. He was accordingly released November 26, 1861.

William R. Miller was arrested by order of General Dix September 18, 1861, and committed to Fort McHenry and from thence transferred successively to Fort Lafayette and Fort Warren. He was charged with being a disloyal member of the Maryland Legislature. An order was issued from the Department of State dated January 31, 1862, directing Colonel Dimick, commanding at Fort Warren, to release Miller on his engaging upon honor that at the expiration of thirty days from his release he will voluntarily surrender himself to General Dix at Baltimore to be by him returned to the fort unless he shall otherwise direct and that meantime he will neither enter nor correspond with the States in insurrection against the authority of the United States Government nor do any act hostile or injurious to the United States during the present insurrection. He was accordingly released and remained on his parole February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Lawrence Sangston was one of the notoriously disloyal members of the Maryland Legislature who were conspiring to pass an act of secession during the summer of 1861. He represented the county of Baltimore in the House of Delegates. He was arrested at Baltimore by order of Major-General Dix and placed in custody at Fort McHenry on the 13th day of September, 1861. He was transferred to Fort Monroe, Fort Lafayette and lastly to Fort Warren. This arrest was made as a measure of military precaution on account of the known sympathy of Sangston with the rebels and to prevent the accomplishment of the treasonable purposes which a party of conspirators in the Legislature with whom he was associated were contemplating and to guard against any insurrection or disturbance growing out of their machinations. On the 26th of December, 1861, Sangston was ordered to be released for thirty days on his parole to return to Fort Warren at the end of that time and to do no act hostile to the United States. On the 29th of January, 1862, Major-General Dix was authorized to extend the parole of Sangston with such conditions or limitations as he might deem proper.

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William G. Harrison, of Baltimore, was a member of the Legislature of Maryland known to be one of the party of conspirators who were plotting to pass an act of secession. He was therefore arrested as an act of military precaution by order of Major-General Dix on or about the 12th of September, 1861, and taken to Fort McHenry and was afterward transferred successively to Fort Monroe, Fort Lafayette and Fort Warren. On the 26th of November, 1861, Harrison was offered his liberty on condition of taking the oath of allegiance which he refused to do. The said Harrison remained in custody at Fort Warren February 15, 1862.

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Henry M. Warfield, of Baltimore, was a member of the Legislature of Maryland known as one of the band of conspirators who were plotting to pass an act of secession through that body. He was arrested by order of the War Department on or about the 12th day of September, 1861, and confined successively in Forts McHenry, Monroe, Lafayette and Warren. This arrest was made as a precautionary measure to prevent the consummation of the treason contemplated by the conspirators in the Legislature and to preserve the public peace. The said

Warfield remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Ross Winans* was arrested by order of the military authorities at Baltimore September 11, 1861, and committed to Fort McHenry. He was charged with being one of the disloyal members of the Maryland Legislature. An order was issued from the Department of State directing General Dix to release Mr. Winans on his renewing his parole given on his release from a former arrest by the military authorities. He was accordingly released September 23, 1861.

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Dr. J. Hanson Thomas, of Baltimore, was a member of the Legislature of Maryland and one of the party of conspirators to pass an act of secession in that body. He was therefore arrested by order of Major-General Dix on or about the 12th day of September, 1861, as a precautionary measure to prevent the consummation of that treasonable design and to preserve the peace of the State. Among papers discovered in possession of F. Key Howard who was arrested at nearly the same time are declarations signed by Thomas and others: "That they are in favor of the immediate recognition by the United States of the independence of the Confederate States," and "if the State of Virginia determines to secede from the United States they are in favor of direct co-operation with that State in such secession."

On the 3d day of January, 1862, an order was made to release Thomas for thirty days on his parole which he refused to give. The said Thomas was confined successively at Forts McHenry, Monroe, Lafayette and Warren, at which last place he remained in custody February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Dr. Richard C. McCubbin was arrested by Major-General Banks at Frederick, Md., September 17, 1861. He was represented to have been one of the disloyal members of the Maryland Legislature. General Banks states in regard to McCubbin in his report to the military authorities of the arrests made by him at Frederick that on the urgent solicitation of Union members he released some of the subordinate officers of the Legislature on their taking the oath of allegiance; that the same parties desired the release of McCubbin on the same conditions and that he had directed "that he might be left at Annapolis under sufficient guard until the orders of the Government could be ascertained." No information has been received at the Department of State relative to the further action taken by the War Department in the case of McCubbin.

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James U. Dennis was arrested by the military authorities of Baltimore about the 20th of September, 1861, and conveyed to Fort McHenry. Dennis was a member of the House of Delegates of Maryland, representing the Somerset district, and was suspected of being one of the band of conspirators who were endeavoring to force the ordinance of secession through the Legislature of that State. While entertaining

* Winans had previously been arrested and discharged on parole by General Butler. See pp. 571, 572. For resolutions of the Maryland Legislature concerning this first arrest see p. 587.

strong sympathy for the rebel cause he was not a violent secessionist. Having offered to take the oath of allegiance he was upon the recommendation of Major-General Dix discharged from custody by order of the Secretary of State dated September 21, 1861.

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Charles H. Pitts, of Baltimore, a member of the Legislature of Maryland and one of the disloyal band who were known to be conspiring to pass an act of secession in that body, was arrested on or about the 13th day of September, 1861, by order of Major-General Dix and taken to Fort McHenry from which place he was transferred to Fort Monroe and afterward to Forts Lafayette and Warren. The arrest of Pitts was a measure of military precaution for the preservation of the public peace and the prevention of the treasonable designs of the disloyal conspirators in the Legislature. On the 13th day of December, 1861, an order was sent to Colonel Dimick to release Pitts for thirty days on his parole with the usual stipulations for good behavior. On the 9th day of January, 1862, Major-General Dix was authorized to exercise his discretion in regard to extending the parole of Pitts and it is understood that he remained at large under such stipulations as were satisfactory to General Dix till February 15, 1862, when he was passed over to the charge of the War Department.

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S. Teackle Wallis, of Baltimore, was a member of the Maryland Legislature and was publicly esteemed as the leader of the band of conspirators who were known to be plotting to pass an act of secession. He was arrested by order of the War Department on or about the 12th day of September, 1861, and confined successively in Forts McHenry, Monroe, Lafayette and Warren. Wallis openly advocated the recognition of the rebel Government and his correspondence and manuscripts were full of arguments in their justification. His arrest was a measure of precaution to preserve the public peace and to prevent the consummation of the treasonable purposes entertained by the conspirators in the Legislature. The said Wallis remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.*

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Thomas J. Claggett was a member of the Legislature of Maryland from the county of Frederick in the year 1861. Known to be one of the faction of that body which was engaged in plots to pass an act of secession in that State he was arrested by order of Major-General Banks as a measure of precaution on the 17th day of September, 1861, and sent to Fort Lafayette and from there afterward transferred to Fort Warren. Early in January and again in February, 1862, Claggett was offered his discharge from confinement on condition of his taking

* See p. 611 for William Schley to Hon. William H. Seward, Secretary of State, November 4, 1861, with its inclosure, embodying the substance of conversations with Wallis concerning the probable action of the Maryland Legislature in relation to secession, in which Wallis is made to disclaim all knowledge of a conspiracy on the part of a coterie of that body supposed to favor legislative action taking the State out of the Union or obstructing the war measures of the General Government. These conversations occurred previous to the arrests.—COMPILER.

the oath of allegiance but he refused to accept his liberty on such terms. The said Claggett remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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Robert M. Denison, of Baltimore County, Md., was a member of the Legislature of that State and one of the well-known band of conspirators in that body who were busy plotting to pass an act of secession. He was therefore arrested as a measure of military precaution by order of Major-General Dix on or about the 12th day of September, 1861, and confined successively in Forts McHenry, Monroe, Lafayette and Warren. On the 21st of January, 1862, Denison was offered his liberty for thirty days on condition of giving his parole which he refused to do. The said Denison remained in custody at Fort Warren February 15, 1862, when he was transferred to the charge of the War Department.

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This man [John J. Heckart] was arrested by General Dix and committed to Fort Lafayette September 24, 1861; afterward transferred to Fort Warren. He was charged with being a disloyal member of the Maryland Legislature. An order was issued from the Department of State November 23, 1861, directing Colonel Dimick to release Heckart on his taking the oath of allegiance stipulating that he will do no act hostile to the United States during the present insurrection. He was accordingly released November 26, 1861.

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Andrew Kessler was a member of the Maryland Legislature arrested by Major-General Banks by order of the Secretary of War September 17, 1861, and sent to Fort Lafayette and from thence transferred to Fort Warren. He was charged with being one of the members of the Legislature of Maryland who was conspiring to pass an ordinance of secession to take that State out of the Union in violation of the Constitution and against the wishes and sentiment of the people of Maryland. An order was issued from the Department of State directing Colonel Dimick, commanding at Fort Warren, to release Kessler on his taking the oath of allegiance to the Government of the United States. He was accordingly released December 20, 1861.

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John M. Brewer was arrested in Frederick, Md., September 17, 1861, by order of Major-General Banks and committed to Fort Lafayette and from thence transferred to Fort Warren. He was the chief clerk of the Maryland Senate and regarded as one of the conspirators who were engaged in the effort to pass an ordinance of secession through the Legislature of that State. December 17, 1861, an order was issued from the Department of State directing Colonel Dimick, commanding at Fort Warren, to release Brewer on his engaging on oath not to visit or correspond with States in insurrection and to do no hostile act against the United States Government and that he would return to Fort Warren at the expiration of thirty days and surrender himself into the custody of Colonel Dimick. Having given the required parole he was released December 22, 1861. Major-General Dix having recommended the extension of Mr. Brewer's parole for sixty days an order was issued from the Department of State January 15, 1862, authorizing General

Dix to renew the parole for the further time requested. The said John M. Brewer remained on parole February 15, 1862, when in conformity with an order of the War Department of the preceding day he was transferred to the charge of that Department.

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Thomas J. McKaig, a member of the Maryland Senate suspected of disloyalty, was arrested the latter part of August, 1861, in Cumberland, Md., by the military authorities and taken to the headquarters of General B. F. Kelley. He was released from confinement September 3, 1861, on his parole of honor for the purpose of visiting Ohio and Pennsylvania but on condition that he would visit no place in Maryland except Baltimore, where he was to remain only long enough to get some money wherewith to pay his expenses. McKaig was rearrested by order of the Secretary of State October 17, 1861, but on being convinced that McKaig had not violated his parole the Secretary ordered him released October 19, 1861.

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Philip F. Rasin was arrested by order of Major-General Dix and conveyed to Fort Lafayette September 24, 1861, and subsequently transferred to Fort Warren. He was a member of the Maryland House of Delegates from Kent County and charged with disloyalty to the United States Government. Major-General Dix in a letter to the Secretary of State dated January 24, 1862, states that Rasin was offered a release on condition of taking the oath of allegiance before he was sent to Fort Lafayette but declined. The said P. F. Rasin remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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J. W. Maxwell, of Elkton, Md., was arrested by order of General Dix September 10, 1861, and committed to Fort McHenry and from thence transferred successively to Fort Lafayette and Fort Warren. He was charged with being a disloyal member of the Maryland Legislature, voting treasonably in said Legislature and speaking inimically to the Government. An order was issued from the Department of State dated January 31, 1862, directing Colonel Dimick, commanding at Fort Warren, to release said Maxwell upon his engaging upon honor that at the expiration of thirty days from the date of his release he will voluntarily surrender himself to General Dix at Baltimore to be by him returned to the fort unless he shall otherwise direct and that meantime he will neither enter nor correspond with any of the States in insurrection against the authority of the Government of the United States without permission of the Secretary of State nor to engage in any treasonable correspondence with anybody nor do any act hostile or injurious to the United States during the present insurrection. He was accordingly released and remained upon his parole February 15, 1862.

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Robert W. Rasin, of Maryland, was arrested on the 26th of October, 1861, and committed to Fort McHenry by order of Maj. Gen. John A. Dix, and December 2, 1861, was transferred to Fort Lafayette. Rasin was charged with having recruited men for the rebel army. January 24, 1862, in a letter to the Secretary of State General Dix says of Rasin:

"He is a bad subject, and it is feared that he would not respect the oath of allegiance if he were to take it. I cannot advise his release at present." The said Robert W. Rasin remained in custody in Fort Lafayette February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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T. Parkin Scott, of Baltimore, was arrested by order of the War Department on the 13th day of September, 1861, and placed in confinement at Fort McHenry. He was afterward successively transferred to Fort Monroe, Fort Lafayette and Fort Warren. The criminal complicity of Scott with the rebellion was well known and his arrest was a measure of military precaution to prevent the probable occurrence of disturbances through his efforts and influence. Among the papers communicated to the Department of State in this case is a letter of which the following is a copy:

BALTIMORE, *May 2, 1861.*

TO THE BOARD OF POLICE OF THE CITY OF BALTIMORE:

On the 22d of April, 1861, I obtained through Governor Letcher an order from the adjutant-general of Virginia on the ordnance officer at Staunton for 5,000 flint-lock muskets as a loan for the use of the Maryland troops, and with said order I proceeded to Staunton and there obtained 2,000 stand* in part of said order and employed G. R. Mason to carry them in wagons to Winchester, and on the 26th of April I had them forwarded thence to Baltimore consigned to William T. Walters and they were here delivered to your board. The freight and charges upon these arms from Lexington, Va., through Staunton and Winchester amounted to $563.04 and is unpaid and I am responsible for the amount. Of course under the circumstances I expect your board to pay these charges.

Very respectfully, yours, &c.,

T. PARKIN SCOTT.

There are many other letters expressing treasonable sentiments, and addresses written apparently for publication or delivery to public assemblies, and drafts of resolutions apparently designed for the action of public meetings of similar character, and also drafts of acts and proceedings apparently designed for the action of the Legislature of like treasonable tendency. It is not deemed material, however, to give quotations here from any of these papers after setting forth the above letter of May 2. The said T. Parkin Scott remained in custody at Fort Warren February 15, 1862, when in conformity with the order of the War Department of the preceding day he was transferred to the charge of that Department.

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WASHINGTON, *April 26, 1861.*

[Brig. Gen. B. F. BUTLER:]

The undersigned, General-in-Chief of the Army, has received from the President of the United States the following instructions respecting the Legislature of Maryland now about to assemble at Annapolis, viz:

It is left to the commanding general to watch and await their action, which if it shall be to arm their people against the United States he is to adopt the most prompt and efficient means to counteract even if necessary to the bombardment of their cities, and in the extremest necessity suspension of the writ of habeas corpus.

In the absence of the undersigned the foregoing instructions are turned over to Brig. Gen. B. F. Butler, of the Massachusetts Volun-

* For memorandum of cannon, arms and munitions seized when the Baltimore Police Commissioners were arrested see p. 626. Also see Banks' address to the people of Baltimore, p. 625.

teers, or other officer commanding at Annapolis, who will carry them out in a right spirit—that is with moderation and firmness. In the case of arrested individuals notorious for their hostility to the United States the prisoners will be safely kept and duly cared for but not surrendered except on the order of the commander aforesaid.

WINFIELD SCOTT.

Copy of printed declaration with original signatures of citizens of Maryland found among the papers of F. Key Howard at the time of his arrest.*

The undersigned citizens† of Baltimore declare themselves to be in favor of immediate recognition by the United States of the independence of the Confederate States. The undersigned further declare that if the State of Virginia determines to secede from the United States they are in favor of direct co-operation with that State in such secession.

John C. Gittings, John E. Droste, James A. Lockington, Richard Downing, Bernard Mulhare, James E. Tate, J. B. Polk, A. A. Williams, O. S. Thompson, Danl. J. Fallon, William H. Marshall, James Sarsfield Mullen, P. Preston Johnston, John O'Connor, John B. Wilson, Samuel Tate, Herman Toscroft, Napoleon Camper, C. H. T. de Mangan, William Quinn, Richard Gault, George F. Ely, John W. Brown, John B. Dietrich, Philip M. Mason, John N. Coonan, Joseph Oliver Lancaster, M. Philip Carroll, Jas. O'Hara, jr., William Shannon, C. Green, Wm. Walker, John Perry, Samuel Escott, Jefferson Miller, Patk. Crane, James O'Loughlin, Thomas Beaty, Michael F. Keane, Francis T. Laron, A. K. Wolf, Fred. McKewan, William H. Rundle, John Toner, Jacob W. Myers, James H. McCormick, William Bowling, George Thompson, Edward Lee, James Belt, Henry Butler, John W. Gray, G. E. Shuger, John Hopkins, William Hopkins, Chas. F. Seebode, Casper Gulwalt, A. McGan, Henry Mallon, Chas. S. Bencke, Chas. G. Polley, Thos. Daily, W. Goodrick, John McBride, Chas. P. Cronan, John Gardner, Thomas E. Kilman, Henry Hoffman, N. Kerdspie, Dennis Murphy, Timothy Hays, Wm. E. Rogers, George G. Gibson, M. C., T. M. Tenant, M. C., Winfield S. Anderson, M. C., David A. J. Shade, W. Young, D. C. Woods, Edward Levell, S. R. Williamson, Joseph Barry, Wm. J. Murdock, James Parsons, Thos. R. Ridgely, Francis (his x mark) Carbon, Francis McKenna, Henry Shannon, Daniel Whitelock, Raymon Burrier, Chas. Nickelson, James E. Stockdale, Joseph Files, Geo. Shaffner, C. B. Briscoe, W. H. Scott, John Driscoll, B. A. Williams, Samuel White, John Roach, Samuel Knight, Wm. North, William Levering, Chas. Henderson, Henry Burris, William Conrad, jr., Stephen Leary, Edward Lee, John West, B. W. Walker, S. R. Browning, George Laning, B. W. Hussing, John Falmouth, Geo. Wiley, B. H. Hill, Ambrose Mullen, Henry Seim, Jackson Cobart, jr., George Konig, Chas. M. Jackson, Wm. H. Slater, Mason Morfit, Henry M. Morfit, John R. Reece, Patrick Gallagher, James Sapp,

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* For case of F. Key Howard, editor of the Baltimore Exchange newspaper, see Vol. II, this series.

† There are twelve slips each having a printed heading, and probably the signatures were obtained by separate individuals, each presenting a separate slip.

Thomas Walsh, Loughtis Cusick, Saml. Kirk, jr., Frederick Hess, James D. Ross, Geo. W. Fruch, James H. King, George Stromberger, W. G. Harrison, R. M. McLane, W. H. Norris, Ross Winans, Robert Hough, G. D. Spurrier, T. P. Scott, J. Hanson Thomas, B. B. Wilson, Chas. Brown, Geo. Shannon, William H. Warley, Daniel Garland, H. A. Marston, Chas. G. Kerr, George T. Clarke, A. Milburn, Fred. J. Allston, Jos. A. Hammett, Jos. S. Smith or Simon, Haml. Golder, E. G. Guild, M. Crichton, John Lutz, Geo. U. Porter, C. V. Martin, J. G. Harvey, J. C. Nicodemus, S. J. Slater, T. Robert Jenkins, Thos. H. McBride, J. A. Dushane, C. S. Marsh, John Rassle, L. M. Beebe, Capt. Sam. White, G. T. Scott, C. J. M. Gwinn, T. M. Lanahan, Neilson Poe, I. H. Stewart, Wm. B. Perine, L. T. Bayne, Joseph Bickerson & Co., James Goudy, D'Arcy Paul, jr., H. W. Jenkins, J. B. Eitrouard, Chas. T. Smith, S. S. Shanley, Geo. T. Smith, A. W. Habersham, late U. S. Navy, Hamilton Easter, R. W. Chase, Theo. E. Clifton, P. Trenaust, L. Parson, S. H. Taggart, Hy. C. Wydham, I. H. Sullivan, S. M. Jackson, John W. Scott, E. T. Stuart, Geo. R. Presstman, Thos. P. Williams, jr., Frank X. Ward, J. H. Browne, Dr. C. E. Nickerson, Wm. Parkin Scott, S. G. Israel, R. F. Rupp, F. W. Elder, Geo. W. Webb, John Musson, Joseph L. Amos, Emanuel Lamartin, Alfred Mullen, William Sheehan, Louis W. Klunk, Jesse W. Small, Henry Ritchmond, F. T. Kelton, J. H. Magruder, F. A. Martin, Joseph A. Gettian, Lewis S. Webb, M. S. Brown, F. Beekman, Geo. A. Schafer, George Mandler, Henry Woods, Edward Bowen, George Turck, George Stump, A. Stall, Geo. D. Volkman, W. Woodville, jr., P. L. Elder, John D. Kelly, James Kirk, James McFee, G. Allen, E. Shehan, Thos. Kirkpatrick, Joseph E. Otter, Samuel G. B. Cook, H. W. Price, H. C. Larrabee, C. E. Ellison, Francis A. Fifer, James Towner, Henry Stine, George Hartzell & Bros., August Eisenhardt, John Meagher, Wm. Palmer, John H. Reed, John Beets, Thomas Griffin, Thomas Ehlen, Edwin Hartzell, Chas. Guard, Jacob Baker, John Gurry, George Weidenberger, Christoph Schult, John P. Towson, Chas. Praith, Frank Unwith, Henry P. Vey, Enos Slack, Jesse A. Tipton, Lenhart Shrer.

NOTE BY THE STATE DEPARTMENT.—It may be remarked on looking over the pages that the same names appear twice over, as though they were submitted by separate agents, and also that many of the names have the appearance of being written by the same hand and others by uneducated persons.

EXECUTIVE MANSION, *Washington, July 31, 1861.*

The marshals of the United States in the vicinity of forts where political prisoners are held will supply decent lodgings and subsistence for such prisoners, unless they shall prefer to provide in those respects for themselves, in which cases they will be allowed to do so by the commanding officers in charge.

Approved, and the Secretary of State will transmit the order to marshals, the lieutenant-general, and Secretary of the Interior.

ABRAHAM LINCOLN.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, September 11, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to inclose a letter to General Dix which, if it meets your approval, I would be glad to have you sign and allow me to send it to General Dix by Allen.* From the best information I can obtain it would seem necessary to arrest at once the parties named. I have indicated Fort Monroe as their first destination in order to get them away from Baltimore as quietly as possible, and would suggest that they ultimately be sent North.

Very respectfully, yours,

GEO. B. McCLELLAN,
Major-General, U. S. Army.

P. S.—I am informed that the Legislature meets the 14th.

[Inclosure.]

WAR DEPARTMENT, *September 11, 1861.*

Maj. Gen. JOHN A. DIX, U. S. Army, *Baltimore, Md.*

GENERAL: You are directed to arrest forthwith the following-named persons, viz: T. Parkin Scott, S. Teackle Wallis, Henry M. Warfield, F. Key Howard, Thomas W. Hall, jr., and Henry May,† and to keep them in close custody, suffering no one to communicate with them, and to convey them at once to Fortress Monroe there to remain in close custody until they shall be forwarded to their ultimate destination. You will also seize their papers and cause them to be carefully examined. The exigencies of the Government demand a prompt and successful execution of this order. You will please report your proceedings at once to this Department. Mr. E. J. Allen is sent to take the immediate charge of the arrests and examination of papers under your general control, and you will please furnish him the necessary military force.

I am, sir, very, &c.,

SIMON CAMERON,
Secretary of War.

WAR DEPARTMENT, *Washington, September 11, 1861.*

Maj. Gen. N. P. BANKS,
Commanding, near Darnestown, Md.

GENERAL: The passage of any act of secession by the Legislature of Maryland must be prevented. If necessary all or any part of the mem-

*Allan Pinkerton, who under the assumed name of E. J. Allen was chief of McClellan's secret service force. See McClellan's report, pp. 51, 52, Series I, Vol. V.—COMPILER.

†After this volume was in type access was happily obtained by consent of Hon. Walter Q. Gresham, Secretary of State, to the archives of the Department of State, and many valuable documents found relating to various Maryland arrests which do not appear herein. For the cases of May, Howard, Hall, Dr. Charles Macgill and miscellaneous correspondence relating to other Maryland prisoners of state see Vol. II, this Series.—COMPILER.

bers must be arrested. Exercise your own judgment as to the time and manner, but do the work effectively.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 11, 1861—11 p. m.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: Your letter was handed to me half an hour ago by Mr. Allen, who is of the opinion that in consideration of the lateness of the hour and the uncertainty of finding all of the parties the arrests should be deferred till to-morrow night. I will detain the steamer so that they can be taken directly on board. No effort or precaution will be spared to carry your order into execution promptly and effectually.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

FREDERICK, *September 12, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

SIR: An adjourned session of the Legislature of Maryland will meet in extra session at this place on Tuesday, 17th instant.

Many loyal citizens believe that at the coming session some effort will be made on the part of the "Tory" majority to convulse the State and force it into an attitude of hostility to the Government. Already it is believed in intelligent quarters that at the last extra session it was decided in a caucus of the majority to pass an ordinance of secession at their next meeting at all hazards. Perhaps, sir, these beliefs are unfounded apprehensions but the magnitude of the risk should leave no foothold for uncertainty, and surely the course of the legislative majority has not been one to inspire confidence. Prevention of evil is what the loyal citizens of Maryland desire and this is almost secured by the interposition of the Federal Government in the arrest and detention of Thomas J. McKaig, State senator from Allegany.

There are twenty-two senators, of whom twelve is the requisite majority to enact a law. Of the present senators eight are loyal and reliable, leaving fourteen in whom I have no faith and I speak the sentiment of many.

Of the fourteen referred to McKaig as already stated is a political prisoner; Yellott is among the rebels and we do not fear he will return; and it is rumored that Heckart is evading the Federal authorities. If this rumor be true and Heckart remains away the people will feel secure from legislative disloyalty; but if not true we hold it to be the duty of the Federal Government under its constitutional obligation (Article IV, section 4) to guarantee to Maryland a republican form of government and protect her from domestic violence; to interpose and cause the arrest of those senators whose notorious disaffection to the Government causes popular alarm here and is calculated to produce civil strife under pretext of law.

I should have referred this subject to your honorable colleague, the Postmaster-General, with whom I have a personal acquaintance, but

for his absence from the seat of government as announced in the public journals and but for the fact that a longer delay would be impolitic. These desultory remarks hastily thrown together may still be suggestive, and if they produce the result I desire in guaranteeing order and security in Maryland I shall feel that I have done a good work in bringing the subject to your notice.

With sentiments of great respect, your obedient servant,

FREDERICK SCHLEY,
Editor of the Examiner.

[Inclosure.]

Senate of Maryland.

By provision of the constitution of Maryland (Article III, section 6) the senate is divided into two classes, one of which is elected every two years.

On the 6th of November next eleven senators will be chosen for four years, while the eleven elected in 1859 hold over until November, 1863. The following statement will explain the condition of the senate:

Holding over until 1863.—Allegany, Thomas J. McKaig; Baltimore City, Coleman Yellott; Baltimore County, Dr. A. A. Lynch; Cecil, John J. Heckart; Harford, Franklin Whittaker; Howard, John S. Watkins; Kent, David C. Blackiston; Worcester, Teagle Townsend—Secession, 8.

Carroll, John E. Smith; Dorchester, Charles F. Goldsborough; Talbott, Henry H. Goldsborough—Union, 3.

To be elected in 1861.—Anne Arundel, Thomas Franklin; Charles, John F. Gardiner; Montgomery, Dr. Washington Duvall; Prince George's, John B. Brooke; Saint Mary's, Oscar Miles; Somerset, James F. Dashiell—Secession, 6.

Caroline, Tilghman Nuttle; Calvert, Thomas J. Graham; Frederick, Anthony Kimmel; Queen Anne's, S. J. Bradley; Washington, John G. Stone—Union, 5.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &c.,
Fort Monroe, September 14, 1861.

Capt. P. A. DAVIS, *Provost-Marshal, Fort Monroe.*

SIR: Captain Davis, provost-marshal, will have special charge of the state prisoners, fifteen in number, recently arrived from Baltimore by order of the Secretary of War who directs that they be confined in close custody and without communication with any person whatever.

He will detail an intelligent sergeant and corporal and twelve men from his company as a guard for the prisoners. One sentinel will be placed in front of the casemate with the sergeant and corporal, one sentinel will be placed in the casemate adjoining on the left and one in the casemate adjoining on the right and one on the bank of the moat opposite the embrasures of the casemates occupied by the prisoners. This sentinel is to guard particularly these embrasures and to see that no prisoner escapes through them and that they have no conversation or communication with him or any other person. No one is to be allowed to pass his beat.

The same instructions will be given to all the sentinels placed as guards that no conversation or communication whatever will be allowed with the prisoners. A table and writing materials will be furnished; whatever else they may require for their comfort will be made known

in writing and if it relates to provisions or other reasonable supplies it will be furnished in the presence of the provost-marshal and without a word being said to the prisoners.

The provost-marshal will have no further conversation with the prisoners than may be required in regard to their supplies and comfort, and will in the course of each twenty-four hours ascertain from time to time by personal inspection that all the prisoners are in custody. The prisoners will be allowed to communicate with their friends or others in writing, but all such communications must be submitted before being sent to the commanding general and the prisoners must be informed of this restriction. Your company will be relieved from any other detail than the guard above mentioned for the time being.

The knives, forks and other articles for the table of the prisoners must be counted before they are sent in by one of the officers of the provost guard who shall see that the same number is returned after each meal.

By command of Major-General Wool:

LE GRAND B. CANNON,
Aide-de-Camp.

IMPORTANT AND CONFIDENTIAL.] HEADQUARTERS,
Camp near Darnestown, September 16, 1861.

Lieutenant-Colonel RUGER,
Comdg. Third Wisconsin Regt., on special service at Frederick.

SIR: The Legislature of Maryland is appointed to meet in special session to-morrow, Tuesday, September 16. It is not impossible that the members or a portion of them may be deterred from meeting there on account of certain arrests recently made in Baltimore. It is also quite possible that on the first day of meeting the attendance may be small. Of the facts as to this matter I shall see that you are well informed as they transpire. It becomes necessary that any meeting of this Legislature at any place or time shall be prevented.

You will hold yourself and your command in readiness to arrest the members of both houses. A list* of such as you are to detain will be inclosed to you herewith, among whom are to be specially included the presiding officers of the two houses, secretaries, clerks and all subordinate officials. Let the arrest be certain and allow no chance of failure. The arrests should be made while they are in session I think.

You will upon the receipt of this quietly examine the premises. I am informed that escape will be impossible if the entrance to the building be held by you; of that you will judge upon examination. If no session is to be held you will arrest such members as can be found in Frederick. The process of arrest should be to enter both houses at the same time announcing that they were arrested by orders of the Government. Command them to remain as they are subject to your orders.

Any resistance will be forcibly suppressed whatever the consequences. Upon these arrests being effected the members that are to be detained will be placed on board a special train for Annapolis where a steamer will await them.

Everything in the execution of these orders is confided to your secrecy, discretion and promptness.

N. P. BANKS,
Major-General.

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* Not found, but see Copeland to Banks, p. 682.

[WASHINGTON], *September 17, 1861.*

MY DEAR SEWARD: In order to gratify Johnson I say that the release of Ross Winans will not pain me, but he is the only one of the Maryland rebels that should be suffered to go at large.

SIMON CAMERON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 18, 1861.

ABRAHAM LINCOLN, *President of the United States.*

SIR: The bearer of this letter, Major Cannon, has been acting on my staff as aide-de-camp for about two weeks. From his ability and opportunity for information he has become familiar with many important questions relating to this department and will be able to explain various circumstances connected with it that concern the public service and for this purpose he goes by my direction to Washington.

* * * * * * *

The state prisoners arrested in Baltimore (the mayor and others) have been here for several days in close custody without any direct authority or instructions from the Government, the only official communication to me on this subject being an extract from a letter addressed to General Dix and sent me by the latter. I have written to the Secretary of War in regard to them but have received no reply. Major Cannon can explain fully their condition and the difficulty I have in keeping them safely from the crowded state of the fort without injury to their health from insufficient air and ventilation.

* * * * * * *

With considerations of high respect, I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

DARNESTOWN, MD., *September 18, 1861.*

Governor SEWARD:

But four present at opening yesterday. Eighteen s—— only in town. Twelve secured up to 5 p. m. Probably all last night.

N. P. BANKS.

FREDERICK, MD., *September 18, 1861.*

Major-General BANKS, *Darnestown.*

SIR: I have just telegraphed to General Dix that we have seized seven members of the house of a very bitter character, and four officers, clerks, &c., who are intensely bitter and are said to have been very forward and to have kept some of the weaker men up to the work. Several arrests were made of violent or resisting persons whom I shall let go after the others are gone. I shall send four men at least to General Dix, at Baltimore, who are very bad men. I have advised Colonel Ruger to send to Sharpsburg Landing to seize 500 sacks of salt which are waiting for the Southerners to come and take them. They have tried twice to do it. We have also heard of some arms which

the colonel will look up. There is a very bitter man here—a Mr. Sinn—who is currently reported by General Shriver and others to be the medium of communication with the Southern Confederacy. The names of the members are: W. E. Salmon, R. C. McCubbin, J. H. Gordon, C. J. Durant, Thomas J. Claggett, Andrew Kessler and Bernard Mills. We shall get J. Lawrence Jones. The officers of the Legislature: J. M. Brewer, chief clerk of the senate; Thomas H. Moore, reading clerk; Samuel Penrose, jr., assistant; W. Kilgour, reading clerk; Milton Y. Kidd, chief clerk of the house. Mr. Jones is taken; Edward Houser, citizen; Riley (very bad), printer to the house; John Hogan (very bad), citizen; Joseph Elkins, citizen; Mr. Mason, folder to the house. We shall leave here for headquarters this afternoon. The arrested were nearly all seized by the policemen.

I am, yours, respectfully,

R. MORRIS COPELAND,
Aide-de-Camp.

Mr. McCubbin is a person whom I should recommend you to set at large if he takes the oath which I have no doubt he will. He is brother-in-law to General Hammond and a man much respected; also a man of rather timid nature and greatly troubled by his arrest. General Shriver has been very active for us and is very earnest that we should let him go on these terms. If you can do it it will be well to telegraph to Annapolis to have the oath tendered and release him. I should do it under my instructions only that Colonel Ruger thinks he has no authority to allow any man on the list any liberty.

R. M. C.

STATE OF MARYLAND, FREDERICK COUNTY, TO WIT:

I do solemnly swear that I will bear allegiance to the United States of America, and that I will support, protect and defend the Constitution and Government thereof against all enemies whether foreign or domestic, and I will bear true faith and loyalty to the same any ordinance, resolution or law of any State, convention or Legislature to the contrary notwithstanding, and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform the duties which may be required of me by law. So help me God.

Milton Y. Kidd, Wm. Kilgour, E. A. Hanson, Jos. D. Elkins, John Huger, S. P. Carmack, Thos. H. Moore, Thos. Mason, E. S. Riley.

Subscribed and sworn before me the subscriber, a justice of the peace in and for Frederick County, this 18th day of September, A. D. 1861.

W. MAHONY.

WASHINGTON, *September 19, 1861.*

Governor SEWARD.

DEAR GOVERNOR: General Edward Hammond, of Howard County, Md., desires the release of his brother-in-law, Dr. Richard C. McCubbin, of the Maryland House of Delegates. General Hammond himself is the main stay of our cause in Howard and he represents that McCubbin

is not at all in favor of secession and is perfectly willing to take the oath of allegiance to the Government; has always voted against every measure tending to take the State out of the Union in the Legislature and refused to take part in the local proceedings of the disunionists.

Under these circumstances I think it highly proper that Doctor McCubbin be immediately discharged.

Yours, respectfully,

M. BLAIR.

BALTIMORE, *September 19, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: Allow me to congratulate you upon the Government manifesting its strong arm in giving the quietus to our so-called Legislature. It has had a salutary influence in many respects and has soothed down the temper of the disunionists prodigiously. It is to be hoped the Government will now be strong enough to arrest such characters as Breckinridge, Magoffin and Burnett, of Kentucky, when we shall soon have a recurrence all over the country of the good old cry of Whig times of Clay and Webster of "Palsied be the hand and the heart of him that dares dissolve this Union." We hope the President will not have cause to break with General Frémont. The Government can afford to incur the ire of civilians but cannot afford to lose real generals at this time. Our city is unusually quiet and orderly and we feel safe under the parental care of Uncle Sam. We are progressing with our regiments as fast as possible; and at the proper time I shall beg to have the President's eye and your eye as I have my eye on the consulship to Shanghai.

With great respect, your obedient servant,

ARTHUR RICH, M. D.

HEADQUARTERS,
Camp near Darnestown, September 20, 1861.

Col. R. B. MARCY, *Chief of Staff, &c.*

SIR: I have the honor to report in obedience to the order of the Secretary of War and the general commanding the Army of the Potomac transmitted to me by letter of the 12th instant that all the members of the Maryland Legislature assembled at Frederick City on the 17th instant known or suspected to be disloyal in their relations to the Government have been arrested.

The opening of the session was attended chiefly by Union men and after rigid examination but nine secession members were found in the city. These were arrested with the clerk of the senate and sent to Annapolis according to my orders on the 18th instant under guard and safely lodged on board a Government steamer in waiting for them. Of their destination thence I had no direction. The names of the parties thus arrested and disposed of were as follows, viz: W. E. Salmon, Frederick; R. C. McCubbin, Annapolis; William R. Miller, Cecil County; Thomas J. Claggett, Frederick; Josiah H. Gordon, Allegany County; Clarke J. Durant, Saint Mary's County; J. Lawrence Jones, Talbot County; Andrew Kessler, jr., Frederick; Bernard Mills, Carroll County; J. M. Brewer, chief clerk of the senate.

No meeting of the senate occurred; but three senators were in town and those were Union men. Three subordinate officers of the senate—the chief clerk and printer of the house and one or two others—were also arrested but released after the departure of the members for Annapolis upon taking the oath of allegiance.

Milton Y. Kidd, clerk of the house, is in the last stages of consumption beyond the power of doing harm and was released upon taking the oath and making a solemn declaration to act no further with the Legislature under any circumstances whatever. This course was adopted upon the urgent solicitation of the Union members present. The same parties desired the release of R. C. McCubbin, of Annapolis, upon the same condition. I telegraphed to the commander of the steamer that he might be left at Annapolis under sufficient guard until the orders of the Government could be ascertained.

Colonel Ruger, Third Wisconsin Regiment, Lieutenant Copeland, my aide-de-camp, and a detachment of police rendered efficient aid.

Sufficient information was obtained as to preparations for board, &c., to lead to the belief that the attendance of members would have been large had not the arrest of some of the leaders been made at Baltimore on Saturday and Monday before the day of meeting.

I regret the attempt at Frederick was not more successful.

I have the honor to be, with great respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding Division.

FORT MCHENRY, *September 20, 1861.*

Hon. W. H. SEWARD:

I have arrested and put on board the Baltimore E. G. Kilbourn, a dangerous secessionist, president of the house of delegates. There are two of the arrested persons whose release would I am confident promote the Union cause, and since the Legislature is effectually broken up the Government cannot be injured and may vindicate its justice by its clemency in these cases. One is James U. Dennis, member from Somerset, and the other Philip F. Rasin, member from Kent. The first is a man of standing. Has never been violent and offers to take the oath of allegiance. The other is a man of little consequence but is connected with Union families. A delegation of Union men from the county were here this morning and ask his release on taking the oath.

JOHN A. DIX,
Major-General.

STATE OF MARYLAND, EXECUTIVE CHAMBER,
Annapolis, September 20, 1861.

Maj. Gen. N. P. BANKS.

DEAR SIR: We have some of the product of your order here in the persons of some eight or ten members of the State Legislature soon I learn to depart for healthy quarters. We see the good fruit already produced by the arrests. We can no longer mince matters with these desperate people. I concur in all you have done.

With great respect, your obedient servant,

THO. H. HICKS.

DEPARTMENT OF STATE,
Washington, September 20, 1861.

Col. MARTIN BURKE, *Fort Hamilton, N. Y.*

COLONEL: Mr. Ross Winans, of Baltimore, who has been or will be transferred to Fort Lafayette is an aged person and as it is understood rather infirm. I will consequently thank you to cause his confinement there to be as lenient as you conveniently can compatible with his safe-keeping.

I am, colonel, your very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, September 21, 1861.

Maj. Gen. JOHN E. WOOL, *Fortress Monroe, Va.*

GENERAL: I have received your letter of the 18th instant relative to the political prisoners in your custody. In reply I would recommend that they be allowed decent fare and the privileges of air and exercise compatible with their safe-keeping. They must be watched during their confinement and be allowed to receive no visitors not authorized and when visited a commissioned officer must be present.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

FORT MCHENRY, *September 21, 1861.*

Hon. WILLIAM H. SEWARD, *State Department:*

Colonel Morse telegraphed me to know whether Mr. Rasin could be offered the oath a second time. I answered no. If a man is so indifferent to the clemency of the Government [as] to refuse when it is first tendered I think a longer confinement will not be injurious to him. A strong interest is felt for Ross Winans who is an old man and very infirm. He did not as has been alleged vote for the Wallis resolutions and has faithfully kept his parole. If the Government knows no special reason to the contrary I think he might safely be discharged instead of Mr. Rasin.

JOHN A. DIX.

STATE DEPARTMENT,
September 21, 1861.

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore:*

You will please discharge Mr. James U. Dennis from custody.

WM. H. SEWARD.

FORT MCHENRY, *September 21, 1861.*

WILLIAM H. SEWARD:

Mr. Dennis has taken the oath of allegiance. Mr. Rasin has declined to take it. I am very glad the latter was offered his discharge on condition of taking it. The indulgence tendered to him will strengthen the Government and his refusal to accept it indicates the justice of his arrest. * * *

JOHN A. DIX.

DEPARTMENT OF STATE,
Washington, September 21, 1861.

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore:*

Ross Winans may be discharged by renewing his parole which he gave on his former arrest.

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 22, 1861.

Maj. Gen. JOHN E. WOOL, *Comdg. Department of Virginia.*

GENERAL: I have received a dispatch from Hon. William H. Seward, Secretary of State, in the following words:

Ross Winans may be discharged upon renewing the parole which he gave on his former arrest.

WILLIAM H. SEWARD,
Secretary of State.

I have the honor to inclose herein the parole* referred to transcribed from a copy at these headquarters and prepared for his signature. Should you think proper to send the parole when executed direct to the Secretary of State will you please send me a certified copy to be placed on file at these headquarters. Or if you will forward me the original I will forward it to the Department of State after taking a certified copy here.

I am, general, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 23, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I inclose a copy of a dispatch received on Saturday night. As the Baltimore had received orders to sail I did not telegraph it to you as I should otherwise have done.

I know nothing of the two gentlemen first named in it (Messrs. Claggett and Salmon) except that they are members of the House of Delegates from Frederick County and decided secessionists.

Mr. Landing is a member from Worcester County on the eastern shore of Maryland bordering on Accomac County, Va. He is represented to me as a man of no great consequence and it was reported to me that he came to Fort McHenry on the day of his arrest "pretty drunk."

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

[Inclosure.]

ANNAPOLIS, *September 21, 1861.*

General DIX, *Eutaw House.*

We are willing to take the oath taken by Dennis. Can we be discharged?

T. J. CLAGGETT,
W. E. SALMON,
G. W. LANDING.

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*See p. 689. For record of Winans' first arrest and discharge see pp. 571-572. For resolutions of the Maryland legislature concerning his first arrest, see p. 587.

WASHINGTON, D. C., *September 23, 1861.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: On the 11th instant in pursuance of the orders of the Hon. Simon Cameron, Secretary of War, and Major-General McClellan I went to Baltimore, accompanied by a sufficient number of my detective force and Lieut. W. M. Wilson, of the Fourth U. S. Cavalry. On arriving at Baltimore I proceeded to Fort McHenry and delivered to Major-General Dix an order from the War Department for the arrest of T. Parkin Scott, S. Teackle Wallis, Frank Key Howard, T. W. Hall, Henry May and H. M. Warfield. The said order mentioned to General Dix that I was directed to conduct the arrests, also to search for and seize the correspondence of the above-named parties.

On consultation with General Dix it was deemed advisable as it was now about midnight to postpone the attempt to arrest until the following night as it was impossible to tell if the parties to be arrested were in town or at their respective houses. General Dix directed me to call on Provost-Marshal Dodge and Assistant Provost-Marshal McPhail, of Baltimore, who would furnish me all the police force necessary to make the arrests. On the morning of the 12th instant I called on Messrs. Dodge and McPhail. I found them to be highly intelligent and able men for their respective positions, and arrangements were at once entered into between us for procuring the necessary information in relation to the probable whereabouts of the parties named to be arrested and the hour of midnight was fixed upon as the time to make the descent, Mr. McPhail detailing a sufficient police force to accompany my own force to each house.

At about 9.30 p. m. while at the provost-marshal's office an order was received from Major-General Dix addressed to Provost-Marshal Dodge directing the arrest of George W. Brown, W. G. Harrison, Lawrence Sangston, Ross Winans, J. Hanson Thomas, Andrew A. Lynch, C. H. Pitts, L. G. Quinlan and Robert M. Denison. Arrangements were at once made for the arrest of the above-named parties which was accomplished during the night and early on the following day (13th) they were all committed to Fort McHenry.

At about midnight the several divisions moved simultaneously upon the places where we had discovered Scott, Wallis, F. Key Howard, Hall, May and Warfield, and at that time all the above-named were arrested within fifteen minutes, their clothing thoroughly searched and immediately thereafter they were forwarded to Fort McHenry in separate carriages. My force made dilligent search for all correspondence on the premises of each of the parties all of which was seized.

Frank Key Howard being one of the editors of the Baltimore Exchange newspaper and T. W. Hall editor of the South, I construed the order to search for and seize correspondence of a treasonable nature in the possession of the parties arrested a sufficient warrant for me to enter and search the editorial and press rooms of the Exchange and South which I did, seizing the correspondence found therein.

All the correspondence found I brought with me to Washington and now beg leave respectfully to submit to you briefs of the same which I have had carefully prepared, retaining originals in my possession subject to your order.

Very respectfully, your obedient servant,

ALLAN PINKERTON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., September 23, 1861.

General JOHN A. DIX,
Commanding Department of Pennsylvania, Baltimore, Md.

SIR: I have received this morning your letter of the 22d inclosing copy of the dispatch of the Secretary of State directing the discharge of Mr. Ross Winans "upon his renewing the parole which he gave on his former arrest." I have accordingly released Mr. Winans upon his executing the parole of which I herewith inclose to you to be forwarded as suggested in your letter to the Department of State. Mr. Winans returns to Baltimore I believe to-night.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure.]

FORT MONROE, VA., *September 23, 1861.*

I, Ross Winans, of the city of Baltimore, do solemnly give my parole of honor that I will not openly or covertly commit any act of hostility against the Government of the United States pending existing troubles or hostilities between said Government and the Southern seceded States or any one of them.

ROSS WINANS.

HEADQUARTERS,
Fort Hamilton, New York Harbor, September 24, 1861.

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.:

I have the honor to inform you that I have this day received the following prisoners: Cyrus F. Sargeant. Lieutenant Wood also reports this morning of having received at Fort Lafayette of Charles Germain, acting master, U. S. Navy, the following prisoners, viz: W. E. Salmon, J. H. Gordon, C. J. Durant, Andrew Kessler, W. R. Miller, Thomas J. Claggett, Bernard Mills and J. Lawrence Jones, members of the Maryland Legislature; J. M. Brewer, clerk of the Maryland senate; Hon. John J. Heckart, senator, Maryland; James W. Maxwell, George W. Landing and Philip F. Rasin, delegates, Maryland; and Thomas Maddox, James Maddox and E. G. Kilbourn. For fifteen of them I gave my receipt. The last on the list, E. G. Kilbourn, I did not receipt for as his name was not on the list furnished. Fifteen was the number which Acting Master Germain had but when I came to call the roll I found one man who answered to the name as above.

I am, very respectfully, your most obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 24, 1861.

Lieutenant-General SCOTT, *General-in-Chief.*

GENERAL: In accordance with the directions contained in your letter of the 18th instant I shall forward to-morrow by the steamer George

Peabody, the first suitable conveyance at my disposal, to the commanding officer at Fort Lafayette the political prisoners now in my custody arrested in Baltimore. These prisoners were originally fifteen in number but by direction of the Secretary of State through General Dix Mr. Ross Winans, of Baltimore, was yesterday released and permitted to return to his family. I inclose herewith copy of a letter to the commanding officer at Fort Lafayette in relation to these prisoners and which will be delivered to him by Captain Coster the officer in charge of them. The instructions contained in that letter are based upon the recommendations in regard to them made to me by the Secretary of State.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 24, 1861.

COMMANDING OFFICER,
Fort Lafayette, New York Harbor.

SIR: By direction of Lieutenant-General Scott I forward to you for custody and safe-keeping at Fort Lafayette the following political prisoners arrested in Baltimore, fourteen in number, viz.*

* * * * * * *

I presume you will receive instructions in regard to them from the proper quarters. In the meantime according to the recommendation of the Secretary of State to me "they will be allowed decent fare and the privileges of air and exercise compatible with their safe-keeping" not going out of the fort. They must be watched during their confinement and allowed to receive no visitors not authorized by the authorities in Washington and when visited a commissioned officer must be present.

You will acknowledge the receipt of this communication and of the prisoners named in it. Such acknowledgment in writing will be handed to Captain Coster, the bearer of this letter, who will deliver the prisoners into your own custody.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure No. 2.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 24, 1861.

Captain COSTER,
First Regiment New York Volunteers, Fort. Monroe.

SIR: You are hereby detailed for special duty and will proceed to New York to-morrow in the steamer George Peabody with fourteen political prisoners now in custody here. They are as follows.†

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* List omitted. Embraces all the names given in Pinkerton to Seward, p. 688, except Ross Winans, who was returned to Baltimore and released.

† Names omitted.

You will take charge of these prisoners and keep them safely until you deliver them to the commanding officer at Fort Lafayette, New York Harbor, with the communication addressed to him and herewith handed to you. A guard consisting of a sergeant, corporal and ten men will be placed under your orders to keep watch over these prisoners while in your custody and to allow no communication with the crew of the steamer and only such with the captain and other persons as may be necessary for their comfort and convenience. You will see that these prisoners are properly cared for and well provided and allowed such opportunities for air and exercise as are compatible with their safe-keeping. Upon the delivery of these prisoners to the commanding officer of Fort Lafayette who is probably in command also of Fort Hamilton you will require from him an acknowledgment in writing that they are all placed in his custody, which acknowledgment you will bring with you on your return to these headquarters and submit it to me together with the report of your proceedings under this letter of instructions.

After landing the prisoners at Fort Lafayette you will proceed in the steamer to New York. On the day following your arrival there you will return with the men in your charge by the first morning train via Baltimore taking the afternoon steamer for Fort Monroe. You will be entitled to transportation at the expense of the Government for yourself and your men and I herewith inclose the necessary papers for that purpose.

The service with which I have charged you is of a delicate and important character and I confide in your vigilance and discretion for its proper performance.

Respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WASHINGTON, D. C., *September 25, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: As the treasonable documents of the Legislature of Maryland were seized I think that the journals of all the sessions should be seized also. The journals from the first session to the last have treasonable speeches and also the reports of S. Teackle Wallis, chairman of committee on federal relations. There are several reports. The treasonable journals and documents are at Kelly, Hedian & Piet, booksellers and binders Baltimore street, between Saint Paul and Calvert streets, Baltimore. There are about 1,500 copies.

I was an officer of the Legislature at the first extra session and for my unconditional Union sentiments they abolished my office. For reference, &c., I refer you to Governor Hicks or General Banks.

Your humble servant,

GEO. W. HOWARD, JR.,
Baltimore.

DEPARTMENT OF STATE, *Washington, September 27, 1861.*

Maj. Gen. N. P. BANKS, *Darnestown, Md.*

GENERAL: Representations are made to me that Mr. Gordon, a member of the Legislature, recently arrested and now confined at Fort

Lafayette, N. Y., is a loyal man. Will you please institute an inquiry into the facts and inform me whether in your judgment it would be best to release him on taking the oath of allegiance.

I am, general, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS,
Fort Hamilton, New York Harbor, September 27, 1861.

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington City.

SIR: Yesterday evening I received the following prisoners from General Wool. They are now confined at Fort Lafayette. They were receipted for to Captain Coster, U. S. Army: George W. Brown, S. Teackle Wallis, Henry M. Warfield, Charles H. Pitts, T. Parkin Scott, Lawrence Sangston, J. Hanson Thomas, William G. Harrison; Leonard G. Quinlan, Robert M. Denison, F. K. Howard, Andrew A. Lynch, Thomas W. Hall and Henry May.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

HEADQUARTERS,
Camp at Darnestown, September 30, 1861.

Hon. Mr. SEWARD, *Secretary of State, &c.*

SIR: I have the honor to acknowledge the receipt of your note making inquiry concerning Mr. Gordon, late a member of the Maryland Legislature. In a day or two I will send you the views of Governor Hicks and General Ewd. Shriver, of Frederick, both moderate and well-informed men. To-day I send a statement of Lieutenant Copeland detailing what took place at the time of Mr. Gordon's arrest. It seems he made no secret at all of his sympathy with secessionists, qualifying his opinions by the remark that he had no intention of doing any act as a member of the Legislature which could be considered disloyal to the Union. Those acts most questioned by Union men he interprets as loyal in purpose and character. I understand he had taken the oath of allegiance before having been arrested in Washington or elsewhere near that city. Lieutenant Copeland believes if Mr. Gordon were to take this oath he would scrupulously observe it—this from the frankness with which he declared his sympathies with the South. Mr. Copeland's statement can be implicitly relied upon.

I have the honor to be, with great respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding Division.

[Inclosure.]

HEADQUARTERS MAJOR-GENERAL BANKS' DIVISION,
September 28, 1861.

Major-General BANKS.

SIR: In reply to your inquiry I will state the substance of the conversation between Mr. Gordon and myself.

I expressed my regret that any men should have been so foolish as to determine to hold the legislative session at that time. He said that

he should not pretend to disguise the fact that he had always sympathized with the secessionists; that he was connected and interested with the South but that he did not mean to aid in passing any dangerous resolves at the proximate session of the Legislature.

He added that he did not consider what the Legislature had done as warranting any interference by Government.

I mentioned the Wallis resolutions. He said that they did not look to disturbing the public peace.

We had other conversation of a general character which I do not recall.

I am, yours, respectfully,

R. MORRIS COPELAND,
Aide-de-Camp.

FREDERICK, MD., *September 30, 1861.*

General N. P. BANKS.

MY DEAR SIR: I received your favor of the 28th last night and hasten to reply.

About a month since Mr. Gordon was arrested at the Relay House, carried to Washington and there detained for some days where as I learn through the public prints he was released upon taking the oath of allegiance.

Since then I have no knowledge of his opinions or actions. Previous to his arrest he was regarded as second only to S. T. Wallis in his opposition to the State and Federal governments.

If he again takes the oath of allegiance and with it an obligation not to return to this State until after the election I do not see how the Union cause would suffer by his discharge.

From my personal knowledge of Pitts, of Baltimore City; Durant, of Saint Mary's; Landing, of Worcester, and Salmon, of Frederick, I am of the opinion that they might be released without injury to the cause upon their taking the oath of allegiance; their discharge would I believe be productive of good.

With great respect, I am, very truly, yours,

EDWARD SHRIVER.

EXECUTIVE CHAMBER, *Annapolis, October 2, 1861.*

Major-General BANKS, U. S. Army.

MY DEAR SIR: In regard to case of Mr. Gordon, member of house of delegates, Maryland, there may be mitigating circumstances but if indeed so it is unknown to me. He, Mr. Gordon, is considered ultra by those who know him better than I do.

Whilst it is proper to release those against whom improprieties are not proven it has bad effect to release too many after arrest where they are not made clearly innocent. The effect produced by the recent arrests made are marked for good. Mr. Gordon has rendered himself so obnoxious to the Union men of Cumberland (his home) that they refuse to let him return.

Very truly and obediently yours,

THOS. H. HICKS.

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Let Dr. Charles Macgill, a prisoner held in your custody, be released on his taking the oath of allegiance and engaging that he will neither enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence or communication whatever with them during the present hostilities without permission from the Secretary of State.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 11, 1861.*

Maj. Gen. JOHN A. DIX, *Fort McHenry, Baltimore.*

GENERAL: I inclose a note* to me of this date from Mr. Blair, the Postmaster-General, and ask your attention to that part of it which recommends the release of Mr. T. Parkin Scott.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, N. Y. HARBOR, *October 11, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: * * * Dr. Charles Macgill refuses to take the oath upon the plea that there is no charge against him.†

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 12, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant inclosing a note from the Postmaster-General and asking my attention to that part of it which recommends the release of Mr. T. Parkin Scott.

I should be very sorry to discourage any kind feeling on the part of the Government in regard to the disloyal men of this State who have been taken into custody though I think there are a number of them who should not be released until the Confederates have laid down their arms. I will not say now that Mr. Scott is one of them, but I earnestly hope he may not be released until after the 6th of November, the day of the general election in this State. I think it will be carried triumphantly, but the Union men who are putting forth their strength ought not to be disheartened by turning loose among them those who have been arrested for their open hostility to the Government of their country. When we have put down opposition effectually as I think we shall the clemency of the Government may be exercised to great advantage and will meet the approbation of all.

I have the honor to be, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

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* Not found.

† November 29 the Secretary of State issued a second order to release Macgill, which he again refused for the same reason. See p. 748 for order for his final release.

DEPARTMENT OF STATE, *Washington, October 12, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: I herewith inclose a letter* from John M. Brewer addressed to his brother which you will please return to its author and tell him it is disloyal and cannot be sent; but if he desires to send the same order in a suitable letter this Department will cheerfully forward it.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

FORT LAFAYETTE, N. Y., *October 12, 1861.*

Hon. W. H. SEWARD.

SIR: I am a State prisoner at this place; the charge against me I know not other than a member of the Legislature of Maryland. I have considered myself a Union man, for the rights of my State in the Union and not out of it. I therefore ask your favorable consideration that I may return to my home.

Respectfully, yours,

WM. E. SALMON.

DEPARTMENT OF STATE, *Washington, October 15, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: I have the honor to transmit to you herewith a letter from Lieutenant-Colonel Burke with its inclosure received at this Department relative to a prisoner named Quinlan confined at Fort Lafayette. Shall I release him on his taking the oath of allegiance and on parole not to go into Maryland or any insurrectionary State until permission is granted by me? Please remit to me with your answer this inclosure.

I am, general, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

HEADQUARTERS,
Fort Hamilton, New York Harbor, October 13, 1861.

Col. E. D. TOWNSEND, *Assistant Adjutant-General.*

SIR: Inclosed you will receive a letter from L. G. Quinlan a prisoner in Fort Lafayette.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Sub-inclosure.]

FORT LAFAYETTE, N. Y., *October 10, 1861.*

His Excellency A. LINCOLN,
President of the United States.

SIR: I have been held in confinement for four weeks under the supposition that as a member of the Legislature of Maryland, being a delegate from Baltimore County, I intended to vote for an ordinance to

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* Not found.

carry the State of Maryland out of the Union, whereas upon reference to the journal of votes and proceedings of the house of delegates of Maryland it will be found that I voted for a resolution declaring that the Legislature had no constitutional authority to pass such an ordinance and I positively declare that I do not and never have entertained such a proposition.

For some time past I have been suffering from a chronic affection of the bowels and since my confinement my disease has so increased on me that my health has become much impaired and my life is greatly endangered by my imprisonment. I have been ever since my arrival here confined in a damp and close casemate paved with brick and without fire or any convenience for making a fire in the room.

Under these circumstances I hope that you will at once order my release.

I am, &c.,

L. G. QUINLAN.

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FORT HAMILTON, N. Y., *October 12, 1861.*

We, the undersigned prisoners in Fort Lafayette, certify that Mr. L. G. Quinlan is suffering under a chronic affection of the bowels and believe his further confinement will endanger his life.

ANDREW A. LYNCH, M. D.
CHAS. MACGILL, M. D.
J. HANSON THOMAS, M. D.
BERNARD MILLS, M. D.

Having examined L. G. Quinlan, prisoner at Fort Lafayette, and having had him under my care for some two or three weeks I concur in the opinion given by the above signed medical men.

R. D. LYNDE,
Assistant Surgeon, U. S. Army.

DEPARTMENT OF STATE, *Washington, October 16, 1861.*

Lieut. Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: Representations are made to me that Henry M. Warfield, a prisoner in your custody, is in feeble health and this is to inform you that this Department will receive any communication from Mr. W. on that subject which he may wish to make. If he desires it you will permit a physician to visit him for the purpose of making a medical examination.

I am, colonel, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 16, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Hon. L. G. Quinlan, a delegate from Baltimore County, is a man of no political influence, of very moderate abilities and by no means a violent secessionist. His arrest would not have been thought

of had he not been a member of the Legislature. These considerations and the state of his health render his release peculiarly proper. The conditions you suggest are reasonable and I think should be complied with, *i. e.*, to take the oath of allegiance and give his parole of honor not to enter Maryland or any insurrectionary State without your permission.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

P. S.—The papers sent to me are here inclosed.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 18, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Your order for the arrest of Senator McKaig was received at 8 p. m. yesterday and he was in custody at 11.30.

I send a letter from him by a special messenger who takes a dispatch to Colonel Marcy, chief of General McClellan's staff, and who is instructed to receive your orders.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

FORT MCHENRY, *October 18, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In the last of August I was arrested at my residence in Cumberland, Md., by the military then stationed at that place and sent to Grafton, Va., the headquarters of Brig. Gen. B. F. Kelley. After remaining there until the evening of the 3d of September I was authorized by General Kelley to go to Ohio (of which State I am a native and still own a large property in Columbiana County, Ohio), and also to visit Pennsylvania on my own private business at my own expense. I was not to visit any part of Maryland except the city of Baltimore and that for the purpose of obtaining money to pay my expenses.

It was my wish and General Kelley's intention that I should not return to Cumberland until after the November election simply because I did not wish to take part or be involved in the contest. After spending six weeks in Ohio and Pennsylvania (not being known in that part of Pennsylvania where I was spending my time in geological studies) my money gave out and lest I should give out also I came yesterday to Baltimore to replenish. I arrived at 4 o'clock from Philadelphia and obtained the little money I needed and would have gone back to Pennsylvania this morning in the first train for that city but was arrested at the Eutaw House last night at 10.30 o'clock. I send you a certified copy of General Kelley's permit. General Kelley heard my case and with the statements of all parties before him he gave me the permit. My parole I have kept strictly. I have not said one word to any person living nor have I written a word to any one on the subject of politics. No one in that part of Pennsylvania where I have been knew who I was, what my political sentiments were or whether I had any.

I do not ask to be released but only that General Kelley's permit and my parole of honor may be respected and that I may be permitted to return to Pennsylvania. After the November election has passed I will return to General Kelley and he can then dispose of me as he may then think proper or you may order, but at present you would do me a great personal favor by permitting me to return at once to Pennsylvania and Ohio where my pecuniary interests imperatively call me. No one has made any charge against me save that I am called a secessionist. I defy the world or any one in it to say that I ever uttered a secession sentiment in my life. I offered the resolutions in the State senate saying that we would not involve Maryland in secession and in advocating those resolutions I said on the floor of the senate that any Marylander who was in favor of Maryland's seceding was not fit to be outside of a lunatic asylum. I say so yet and say also secession cannot get one vote in the Maryland senate as it is now constituted or I have been utterly deceived by the members. May I ask an order from you to cast me out of this place upon the cold charities of the world?

With high regard, I am, your obedient servant,

THOMAS J. McKAIG.

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Your letter returning papers in case of Quinlan has been duly received and I have ordered his release on the conditions proposed.

I am, general, your very obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

COLONEL: I have to acknowledge the receipt of your communication of the 15th instant inclosing two letters addressed respectively to Mrs. F. K. Howard and Mrs. J. Hanson Thomas, Baltimore, Md. They both contain disloyal sentiments and cannot be forwarded. I have retained them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 18, 1861.*

Col. MARTIN BURKE, *Fort Lafayette, N. Y.*

SIR: Will you please inform Mr. William E. Salmon, a prisoner in your custody, that his letter of the 12th instant has been received and that his case is now under consideration.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE, *Washington, October 19, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

SIR: Let Thomas J. McKaig, a prisoner confined in Fort McHenry, be released on engaging upon oath to keep his parole given to General Kelley.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

FORT HAMILTON, N. Y., *October 19, 1861.*

Lieutenant-Colonel BURKE, U. S. Army, *Commanding.*

SIR: I have the honor to report that in obedience to your instructions* I have had an interview with Henry M. Warfield, a prisoner at Fort Lafayette, and that he declines at present to make any application for his release on the score of health as he does not feel that he is now suffering from his confinement.

I am, sir, very respectfully, your obedient servant,

R. D. LYNDE,
Assistant Surgeon, U. S. Army.

FORT MCHENRY, *October 21, 1861.*

Hon. WILLIAM H. SEWARD:

Mr. Graham has telegraphed me that Senator McKaig is unconditionally released and that a copy of the document is mailed to me. I shall not get it until 10 o'clock and Mr. McKaig wishes to go to Philadelphia early to-morrow morning. Shall I let him go?

JOHN A. DIX.

DEPARTMENT OF STATE, *Washington, October 21, 1861.*

Maj. Gen. JOHN A. DIX, *Baltimore, Md.:*

General Dix will release Thomas J. McKaig from custody.

WILLIAM H. SEWARD.

RIVERSDALE, NEAR HYATTSVILLE, MD., *October 22, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: Inclosed you will find a letter from one of our best Union men relative to the releasement of Mr. Claggett, a member of the late house of delegates of Maryland. His brother-in-law, the Rev. Mr. Chew, the rector of our church here, has requested my kind offices in his behalf; and as I take it for granted there is nothing very criminal in his conduct and as I do not believe he would be able if so disposed to do much injury I ask a favorable consideration of his case and if compatible with the public good, his release.

Very respectfully, your obedient servant,

CHAS. B. CALVERT.

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* Omitted.

[Inclosure.]

WOODLIE, WASHINGTON COUNTY, MD.,
October 10, 1861.

Hon. CHARLES B. CALVERT.

MY DEAR SIR: I write to beg you to see Mr. Seward and effect the release if possible of Mr. Thomas J. Claggett, a member of the Legislature of Maryland from Frederick County, now a state prisoner at Fort Lafayette. Mr. Claggett is not in favor of secession; and has never given "aid or comfort" to the enemy; is a quiet and peaceable farmer. He was arrested in his house—on his farm. His arrest I believe was at the instance of evil-disposed neighbors who have misrepresented—probably misunderstood—his position. I feel confident that the charge of treason against him cannot be sustained.

I would apologize for the effort to tax your time and patience in the case did I not recognize in you a patriot and philanthropist whose pleasure it is to see justice done and to aid those who are not able to see themselves righted without assistance.

With high regard, I remain, your obedient servant,

THOMAS MADDOX.

N. B.—I inclose this letter to Mr. Chew who will see and co-operate with you in this matter.

T. M.

BALTIMORE, *October 29, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: I beg leave to unite with the friends of S. Teackle Wallis, esq., in an application to you for his release from confinement. I have known Mr. Wallis well from his early manhood and have never known a man of purer honor. His reputation as a gentleman of high literary attainments and extensive social influence is known to you. I do not know a man of a more extensive and more attached circle of friends. Among these I have always held a position although always differing from him politically.

I do not understand Mr. Wallis to be charged with any crime; his arrest if I am correctly informed is precautionary only. I have conversed with Mr. Wallis frequently upon the political issues of the day, and have never supposed that he entertained any purposes which could make such a step proper or necessary. I am most intimate and confidential with some of Mr. Wallis' most intimate and confidential friends and feel sure from what I have learned from them that Mr. Wallis has not entertained the purposes ascribed to him as the grounds of his arrest and confinement. I deprecate the results at which Mr. Wallis' enemies charge him to have aimed as much as any man; yet I have always deplored his arrest as uncalled for by sound policy and as a measure of public safety. Thinking so I take the liberty of saying that I shall be much gratified by his release, as will also be almost our entire society.

With very great respect, your obedient servant,

W. L. MARSHALL.

BALTIMORE, *October 29, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: As one of many deeply interested in the welfare of Mr. Wallis now confined at Fort Lafayette and desirous that an opportunity may be speedily furnished him of learning the character of the charges the Government may prefer against him I would most respectfully join my voice with those of his other warm personal friends who request of the Government an investigation.

It does not of course become strangers to the Government's information to assume any particular character of charge. But as one who has known Mr. Wallis for many years and being aware of his often expressed views on the right of the Legislature to carry the State out of the Union which he has always denied; knowing too his character for uprightness, probity and consistency I cannot place any faith in the rumored charges of his participation in an alleged ordinance of secession to have been passed at the September meeting of the Legislature.

But as before said what the specific charges are I have no right to assume and only join with loyal citizens in praying a speedy examination into the grounds of the arrest.

Very respectfully, your obedient servant,

REVERDY JOHNSON, JR.

PRIVATE.] PHILADELPHIA, *October 30, 1861.*

Col. T. A. SCOTT.

DEAR SIR: I write you in behalf of J. J. Heckart who is now confined at Fort Lafayette. He is a Pennsylvanian by birth and was a member of the Maryland Senate. I have known Mr. Heckart for many years and believe at heart he is a fair man.

I have no doubt that he was influenced by the bad company he fell into when a member of the senate and perhaps he was imprudent in his expressions but I cannot believe he would do anything to imperil the country or to favor traitors. I think he has learned a sad lesson by the experience he has had thus far and he will be very careful for the future how he does anything either by word or deed to militate against the Government that has protected him and his all his life and to which he owes the most solemn allegiance. He is suffering in health, being afflicted with the heart disease which he inherits from his father. His family at Port Deposit are also in great trouble.

If his release could be sent to me I think I could use it in such a way as to make Heckart a good and loyal citizen for the future and to redound to the good of the Government. At any rate I would not be instrumental in procuring or giving him his release did I not feel confident it would be a safe and judicious thing for the Government.

Please think this over and if there is no testimony against him that proves positively that he is a traitor (which I cannot think is the case) do what you can to obtain his release if your judgment on mature reflection approves the measure.

Yours, truly,

S. M. FELTON.

[Indorsement.]

WAR DEPARTMENT, *November 7, 1861.*

MY DEAR SIR: Please examine the records of this case and if it be prudent send me a release for him and I will deliver it to Mr. Felton who can use it for good purposes.

Very truly, yours,

THOMAS A. SCOTT.

BALTIMORE, *November 4, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: As the partner and intimate personal friend of Mr. Wallis who has been now for more than six weeks in close confinement I feel it my duty respectfully to ask an early examination by you of his case.

I take the liberty of inclosing a printed copy of his letter to the New York Tribune in which he indignantly denies any complicity with the enemies of the Government or knowledge of their plans or purposes. The accompanying letters from gentlemen distinguished for their devotion to the Union you will doubtless recognize as entitled to your consideration. Permit me also to add that my own knowledge of Mr. Wallis' most secret thoughts justifies me in saying that he had not only done nothing but had no purpose which if known to you would have induced you to order his arrest. I entertain entire confidence that I can remove if you will afford me an opportunity any unfavorable impression in regard to him which may have been made in your mind.

I am, very respectfully, your obedient servant,

JOHN H. THOMAS.

[Inclosure.]

LEGISLATURE OF MARYLAND, HOUSE OF DELEGATES,
Frederick, August 7, 1861.

TO THE EDITOR OF THE NEW YORK TRIBUNE:

SIR: I have no desire whatever to affect any opinions you may be pleased to entertain or express in regard to me but I do not think you are entitled to equal license in respect to matters of fact. I find in your paper of yesterday the following editorial paragraph:

> We have the best authority for the statement that Mr. Jeff. Davis receives a daily letter from Mr. S. Teackle Wallis and others in Baltimore and keeps his friends there constantly informed of his wishes. His present advice to them is not now to attempt a rising as it would complicate matters unnecessarily; they are to wait for his arrival in the vicinity which he does not think will be much longer delayed.

Now I assert that I have never seen and have not the honor of knowing Mr. Davis; that I have never had any communication written or otherwise directly or indirectly with him or from him in my life, and am as wholly ignorant of his plans, purposes, wishes and advice as you can possibly be.

This gives me a fair opportunity to test and you to show what your deliberate statements in regard to such things are worth. I challenge you to produce your "best authority" for the statement in question and respectfully ask the insertion of this letter in your paper.

Your obedient servant,

S. T. WALLIS.

CAMP BAKER, MD., *November 8, 1861.*

Brig. Gen. S. WILLIAMS:

* * * Perry Davis, the secession candidate for the Legislature, was arrested at Port Tobacco and brought in to me for making treasonable speeches during the canvass, but on his assuring me that he made them while running for office in a secession district and that in case of election which was probable he should vote against the ordinance for secession if an opportunity presented itself I deemed it politic to give him his liberty. Besides the election was over. * * *

JOSEPH HOOKER,
Brigadier-General, Commanding Division.

FORT WARREN, BOSTON HARBOR, *November 9, 1861.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to inclose a letter addressed to me from Mr. L. G. Quinlan who is very desirous to return to his family in Maryland. He says he is willing to take the oath of allegiance with any stipulation which may be imposed provided he may return to his family. He appears to be in ill health and somewhat nervous and hypochondriacal.

I have the honor to inclose Doctor Peters' certificate* of the ill health of Mr. Quinlan.

I am, sir, with the highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure No. 1.]

FORT WARREN, BOSTON HARBOR, *November 8, 1861.*

Colonel DIMICK, U. S. Army.

SIR: On the 13th of September last I was arrested and taken to Fort McHenry and from thence to Fortress Monroe, thence to Fort Lafayette and finally I was brought here. For several years past I have suffered from a chronic affection of the bowels which increased on me whilst at Fort Lafayette to such an extent that I wrote from thence to Secretary Seward asking for my release, and I obtained the certificate of Doctors Macgill, Lynch, Thomas and Mills, fellow prisoners, as to my condition to which was added the certificate of the surgeon of that post.

In reply Secretary Seward offered me my release on condition that I would take an oath of allegiance and not to return to Maryland. The latter part of the condition I could not accept because my pecuniary means would not admit of it. I am a farmer of Baltimore County, Md., and was a member of the Legislature of the State but my time of service has expired. Will you do me the favor to write to Secretary Seward in my behalf.

I am, &c.,

L. G. QUINLAN.

[Inclosure No. 2.]

We certify that the facts above stated are true and that Mr. Quinlan's life is in danger from his confinement.

CHAS. MACGILL, M. D.
J. HANSON THOMAS, M. D.
ANDREW A. LYNCH, M. D.
B. MILLS, M. D.

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* Omitted.

FORT WARREN, BOSTON HARBOR, *November 10, 1861.*

Hon. W. H. SEWARD.

SIR: After some reflection I came to the conclusion to address you a few lines. I am a prisoner at this fort and have been at this and Fort Lafayette for eight weeks. I was arrested as a member of the Maryland Legislature and have understood that those arrests were made as a precautionary measure to prevent what seemed anticipated, viz, the passage of a secession ordinance. Now I pledge my honor as a man that if there were any such measure contemplated I know nothing of it nor would I have countenanced such a measure. And as I am now by virtue of the late election a private citizen and will do nothing against the Government I hope you will be kind enough to release me.

Yours, truly,

ANDREW KESSLER.

WASHINGTON, *November 12, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: All the Maryland political prisoners but Messrs. Heckart and Lynch, of the Legislature, were at the time of their arrest members of the house of delegates of the State and their term of service has expired. A call of the Legislature now by the Governor would only include the members of both branches who have just been elected and the senators whose term of service has not expired. Messrs. Heckart and Lynch are such senators. But being from districts which have given a large Union majority I think it probable if that was exacted that they would as Mr. McKaig did resign. The mayor of the city, Mr. Brown, and the three commissioners of police, Messrs. Howard, Gatchell and Davis, would probably also agree to resign or not to assume to exercise their several functions.

As Maryland now stands (and such is the opinion of all the leading Union men of the State I have consulted and I have consulted many including the governor) I think whilst it would do no possible harm it would have a happy effect to discharge all the prisoners unconditionally except the mayor and commissioners of police. I except them only because their claims if made to their offices might lead to trouble. But if any special security is thought necessary a parole of honor substantially in the following terms would seem to me sufficiently to answer that object, viz:

> I hereby give my parole of honor that I will in good faith support the Constitution of the United States and in no way assist the present rebellion against its authority or give aid or comfort to those who are or may be engaged in it.

With regard, your obedient servant,

REVERDY JOHNSON.

EXECUTIVE CHAMBER, *Annapolis, November 12, 1861.*

Hon. W. H. SEWARD, *Secretary of State.*

DEAR SIR: Having heard last evening whilst in Baltimore that you had an idea of releasing from their confinement at Fort Warren, &c., such members of our former distinguished Legislature as have been

superseded by the election of successors I trust, sir, you will excuse me for obtruding a word of admonition upon the subject. I beg that you be particular.

To liberate such men as Landing, of Worcester; Maxwell, of Cecil; Claggett, of Frederick, &c., will do us little injury in Maryland; but to release Teackle Wallis, T. Parkin Scott, H. M. Warfield, &c., will be to give us as much trouble here as would the liberation of Mayor Brown, George P. Kane, the police commissioners of Baltimore, and other like spirits to them. We are going on right in Maryland and I beg that nothing be done to prevent what I have long desired and labored for, viz, the identification of Maryland with the Government proper. Everything is working well here and although I have felt that I have not been treated in some instances as I had a right to expect I intend to do my duty and aid to save the Union. I close by saying be careful—do not be over liberal with these fellows.

Your obedient servant, &c.,

THOS. H. HICKS.

DEPARTMENT OF STATE, *Washington, November 15, 1861.*

His Excellency THOMAS H. HICKS,
Governor of the State of Maryland.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 12th instant and to thank you for the suggestions it contains and to assure you of the highest appreciation of the loyal and patriotic spirit which pervades them and influences all your excellency's public conduct.

I have the honor to be, your excellency's obedient servant,

WILLIAM H. SEWARD.

FORT WARREN, *November 15, 1861.*

Mr. SETH C. HAWLEY.

SIR: A notice signed by you appeared this afternoon upon the wall of the quarters in which we are confined. We quote it in full as follows, viz:

FORT WARREN, *November 12, 1861.*

The undersigned, appointed by the Secretary of State of the United States to examine into the cases of the political prisoners at Fort Warren, desires those prisoners to be prepared to-morrow to answer the question whether they would severally be willing to take the oath of allegiance to the Constitution and Government of the United States if they should be set at liberty, further inquiry into each case to depend upon the answer. To-morrow there will be an opportunity to answer the question.

SETH C. HAWLEY.

We presume that we are among those whom you designate as "political prisoners," and supposing that you may call on us to-morrow to answer the inquiry which you have indicated we desire to furnish our reply in our own language in order that we may not be misunderstood or misrepresented.

As we understand your notice "further inquiry into each case" is to depend upon the willingness of the individual to take the oath which you propose; that is to say that no man's case will be inquired into unless he first signify his willingness to swear as required.

We have now been in confinement for more than two months. We were arrested without process or form of law upon the alleged authority of the Secretary of State of the United States who clearly has no lawful authority whatever in the premises. We have been dragged from one fortress of the Government to another by military force and have been dealt with in a manner which would have been indecent if we had been convicted felons instead of free men accused of no offense against the laws of our country.

We have been separated from our homes and families, exposed to constant suffering and privation to the injury of health, the prejudice of our interests and good name and in flagrant violation of every right which we have inherited as American citizens.

More than this as members of the Legislature of Maryland we have been unlawfully withdrawn from the performance of our official duties in derogation of the constitutional rights of our State and her people.

To tell us after all this that our case has not been even inquired into thus far and that it will not even now be made the subject of inquiry by the Government at whose hands we have suffered so much wrong unless we will first submit to conditions as unlawful and arbitrary as our arrest and imprisonment is to offer to each of us an insult which we should forfeit our self-respect if we did not repel.

If we are accused of having committed any offense known to the law we are entitled to be lawfully and publicly charged therewith and to be tried not by you or by the Secretary of State but by the constituted tribunals of the district from which we have been violently and illegally removed.

If we have been guilty of no crime against the law we are entitled to be discharged without any terms or conditions and the Secretary of State if you really represent him is only visiting us with an additional outrage by attempting to impose such upon us.

We are yours, &c.,

E. G. KILBOURN.
S. TEACKLE WALLIS.
T. PARKIN SCOTT.
WM. G. HARRISON.
HENRY M. WARFIELD.
J. HANSON THOMAS.

FORT WARREN, *November 16, 1861.*

I have twice taken the oath to support and defend the Constitution of the United States during the present year and am not disposed to turn a solemn obligation into ridicule by constant repetitions of it.

I am not conscious of having in any way or manner violated that obligation. If I have or if the Government supposes I have I have a right as a citizen of the United States to demand an investigation.

I cannot by the acceptance of conditions for my release acknowledge by implication or inference that any just or legal cause existed for my arrest which I utterly deny.

I am willing to hold myself in readiness to meet any charges that may be brought against me.

LAWRENCE SANGSTON,
Of Baltimore.

POLICE DEPT., OFFICE OF THE PROVOST-MARSHAL,
Baltimore, November 16, 1861.

Maj. Gen. JOHN A. DIX.

SIR: Having learned that efforts are being made to procure the release of the State prisoners from Maryland now at Fort Warren I cannot refrain from the expression of my opinion that such an act of leniency would probably be attended with disastrous results to the cause. My personal relations with many of these gentlemen would induce me to concur in the efforts of their friends but I feel impelled by superior considerations to express the opinion that such a measure would seriously retard the growing feeling of confidence in the Government now so unmistakably manifest among us.

Our friends are universally adverse to such an act of clemency at this juncture. We fear that the time has not yet come for this act of magnanimity on the part of Government and hope that if this measure has been seriously contemplated that it may be postponed until assurance is made doubly sure that this unnatural rebellion has ceased to exist.

With great respect, I am, your obedient servant,

GEO. R. DODGE,
Provost-Marshal.

FORT WARREN, *November 19, 1861.*

Mr. S. C. HAWLEY.

SIR: In reply to your inquiry I would state that I have not knowingly done anything against the laws and Constitution of the United States. I have no wish to do so hereafter. I am willing to take an oath that I will not during the present war take up arms against the United States nor aid in any way her enemies whether foreign or domestic. I do this in good faith without making or desiring to make any mental reservation. I reside in Maryland and have been a member of the Legislature from 1845 up to the present session one year excepted. As my whole interest is in Maryland I expect to stand by Maryland and the United States. I have always been opposed to secession knowing that it would put Maryland in a critical condition.

G. W. LANDING.

HEADQUARTERS,
Baltimore, Md., November 20, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have carefully examined the list of prisoners sent from Fort McHenry to Forts Lafayette and Columbus and with the concurrence of Mr. Dodge, the provost-marshal, recommend that the following be discharged from arrest on taking the oath of allegiance: The Hon. John J. Heckart, of Cecil County, senator. Mr. Heckart is advanced in age, not a violent secessionist and in the session of June last separated from his political friends in a vote on the resolution recognizing the Southern Confederacy. He was in the negative.

Hon. Leonard G. Quinlan, Baltimore County, delegate. Mr. Quinlan is a moderate man in talents, influence, and political feeling.

Hon. William G. Harrison, city of Baltimore, delegate. Mr. Harrison has been a uniform but not a violent secessionist. His health is precarious and his release is recommended on this ground.

Hon. George W. Landing, Worcester County, delegate. Mr. Landing is a man of no importance; was not quite himself when arrested and may be safely allowed to go home.

Thomas Shields, George Thompson, A. Williamson, David H. Lucchesi, George A. Appleton, Michael J. Grady, John L. Bouldin, Robert Rae, Charles D. French, A. Robert Carter. These ten persons are of no importance; they were arrested for carrying on an illicit correspondence with the Confederate States or for having intended to go into their service.

Thomas B. Giles, Joseph Bacon, S. B. Frost. These three men were arrested on the charge of concealing a balloon belonging to the United States in Delaware. I think there was some doubt as to one of them and all have been sufficiently punished.

If you will direct a list of prisoners from Maryland to be sent to me when the above shall have been discharged I will examine it carefully with the provost-marshal and shall recommend some further releases. Some of the prisoners named above I believe are still in Fort Columbus.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

PRINCESS ANNE, MD., *November 22, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to forward to you a memorial and letter of sundry influential citizens of Worcester County in this State asking for the release of George W. Landing, lately a member of the Legislature from that county and now a prisoner in Fort Warren. The memorialists are well known to me, and I take pleasure in saying that they are loyal and influential citizens and to them we are indebted in a great degree for success in the late election by which that county was rescued from the dominion of revolutionary sentiment and ranged under the banner of the Union.

I am also well acquainted with Mr. Landing. He has some means and is liberal to those around him and hence is popular in his neighborhood. He is uneducated, very ignorant and entirely incapable of conceiving or executing any scheme at all dangerous to the public peace if he were so inclined. But he has no strong passions or dangerous resentments and has no particular bias for or against the Government. He was elected two years ago as a Democrat and in the Legislature he followed his party associations. He voted with the majority but from my knowledge of him I am safe in saying he was not aware of the tendencies of his votes. He is not a dangerous man and the Government has dignified him overmuch by his arrest and confinement. I am not informed but I feel sure that he would not hesitate to give any reasonable pledge of his future good conduct the Government would exact.

I recommend his discharge; it is the wish of the friends of the Government where he resides and his official term has now expired. He can do no harm and his liberation will tend to strengthen the loyal good feeling now growing in that vicinity.

I have the honor to be, very respectfully, yours, &c.,

J. W. CRISFIELD.

[Inclosure.]

His Excellency ABRAHAM LINCOLN,
President of the United States:

We, the subscribers, Union citizens of Worcester and Somerset Counties, State of Maryland, having witnessed the good effect of the kindness and clemency of the Government in this section in subduing secession which now seems entirely overcome, recommend and pray to Your Honor to release our neighbor and friend, Mr. George W. Landing, one of the members of our late Legislature now confined by your authority in Boston, November, 1861.

N. WALLS BENNUM.
[And 35 other citizens.]

SNOW HILL, WORCESTER COUNTY, MD.,
November 24, 1861.

Hon. W. H. SEWARD, *Secretary of State.*

MY DEAR SIR: I recommend that the release of George W. Landing, a political prisoner at Fort Warren, shall be granted upon his taking the oath prescribed by law. There is no just reason in my belief for his further detention and the sin of his offending is not a tithe in comparison to that of other members of the Legislature of the State who have been set at liberty by the Government, nor has his ability to do harm to the Government been half so great nor has there been on his part any attempt to foster the rebellion in my belief. The day before his arrest he gave me an assurance of his loyalty that induced me to write to the officer supposed to have the arresting process in hand to leave him unmolested if it was possible to do so.

I have the honor to be, &c.,

G. W. P. SMITH.

DEPARTMENT OF STATE,
Washington, November 25, 1861.

Hon. JOHN W. CRISFIELD, *Princess Anne, Md.*

SIR: I have to acknowledge the receipt of your communication of the 22d instant and its inclosures. In reply I have to inform you that orders for the discharge of George W. Landing have been sent to the officer in command of Fort Warren.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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413 BROOME STREET, NEW YORK,
November 25, 1861.

F. W. SEWARD, *Assistant Secretary of State.*

DEAR SIR: A. Kessler, of Maryland.—A member of the Legislature (delegate); term expired and a successor elected. His county at late election voted largely Union. When in the Legislature voted against passing an ordinance of secession. Claims to be for the Union; will take the oath. Will do no harm if at large.

G. W. Landing.—Late a member of the Maryland Legislature. His written statement is inclosed.* His case is like that of Mr. Kessler. I make no question that he will be in future a Union man.

Leonard G. Quinlan, of Baltimore.—Also a member of the Legislature. His case is like the two preceding. He voted against secession by legislative action. Will take the oath. Would do no harm at large.

W. E. Salmon, of Frederick County, Md.—Member of the Legislature. Will take the oath. Can see no reason why he should not be set at liberty.

John J. Heckart, Maryland.—Hold-over senator. I think he would do no harm at liberty but he has a maggot in his [head] about taking the oath because it would or might conflict with his official oath as senator. I do not see how. He refers with confidence to Mr. Secretary Cameron as an intimate acquaintance of long standing. If I had to do with him I should set him free on taking the oath.

A. A. Lynch, Maryland.—Also a hold-over senator. He has the same idea about the oath as Mr. Heckart. Shows a good legislative record. Mr. Reverdy Johnson, of Maryland, has his case in charge and I am disposed to leave it with [him].

The cases of all these gentlemen are better known to the State Department than they can be to me. I assume that the arrest was one of policy having in view the defeat of any possible hostile legislation at that time. That object having been secured perhaps there is no longer occasion to hold the parties provided their present frame of mind indicates no danger.

My recommendations toward mitigation of duress are always subject to the condition that there exists no proof of guilt in your Department and so in the case of these gentlemen.

This closes all the Maryland cases that seem to me to be safe to set at large on taking the oath.

I shall make a communication in relation to Mayor Brown to-morrow.

I am, very truly, yours,

S. C. HAWLEY.

NOVEMBER 26.

The within was written last evening. This morning I see by the papers that most of these men with others have been already discharged. I send it forward all the same. S. B. Frost who is in the published list as dismissed I think ought never to have been arrested. His arrest was probably the result of private malice; whereas W. G. Harrison also in that list is a malignant.

FORT WARREN, BOSTON HARBOR,
November 26, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have the honor to inclose to you the oaths of allegiance administered this day by me to Leonard G. Quinlan, Sidney B. Frost, John L. Bouldin, D. H. Lucchesi, J. J. Heckart, Robert Rae, George Thompson, G. W. Landing and C. D. French agreeably to your order of the 23d instant.

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* Not found, but see Landing to Hawley, p. 707.

Thomas Shields, Michael J. Grady, George A. Appleton, William G. Harrison and A. Robert Carter refused to take the oath.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Comdg. Post.

[Inclosure.]

I, G. W. Landing, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign and that I will bear true faith, loyalty and allegiance to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose and without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law hereby stipulating that I will neither enter into any of the States in insurrection against the Government of the United States nor hold any correspondence whatsoever with persons residing in those States nor transmit any correspondence between any disloyal persons without permission from the Secretary of State, and also that I will not do anything hostile to the United States during the present insurrection, so help me God.

G. W. LANDING.

Sworn and subscribed to before me on this the 26th day of November, 1861, at Fort Warren, Boston Harbor.

J. DIMICK,
Colonel, U. S. Army, Commanding Post.

NOTE.—Leonard G. Quinlan, J. J. Heckart and others also subscribed to this oath on the same day.

DEPARTMENT OF STATE,
Washington, November 26, 1861.

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Herewith I have the honor to transmit a list* of Maryland prisoners which has been submitted to me by the Hon. Reverdy Johnson with a recommendation that the persons therein named be released on taking the oath and entering into the usual engagements required by this Department. Will you have the kindness to examine it and report to me your opinion in regard to the matter.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

BALTIMORE, *November 26, 1861.*

Hon. W. H. SEWARD:

Was Senator Heckart released on the condition that he should not resume his office?

JOHN A. DIX,
Major-General.

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*See Johnson to Seward, November 12.

U. S. MARSHAL'S OFFICE, DISTRICT OF MASSACHUSETTS,
Boston, November 27, 1861.

F. W. SEWARD, Esq., *Assistant Secretary of State.*

SIR: I received the orders for Colonel Dimick at Fort Warren to release the persons named therein yesterday and proceeded immediately to the fort to attend to their execution.

Five of these parties refused to take the oath and were retained in custody, namely, G. A. Appleton, A. Robert Carter, William G. Harrison, M. J. Grady and Thomas Shields.

The others all took the oath of allegiance and the stipulations required and were released. * * *

I have the honor to be, very respectfully, your obedient servant,
JOHN S. KEYES,
U. S. Marshal.

HEADQUARTERS,
Baltimore, November 27, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The Hon. Reverdy Johnson's list is not discriminating. I have submitted it to Mr. Dodge, the provost-marshal, and inclose his letter. To his suggestions I beg leave to submit the following:

1. P. F. Rasin, from Kent County, was offered his release on condition that he would take the oath of allegiance and declined.
2. James W. Maxwell ought not to be released.
4. J. H. Gordon ought not to be released.
6. E. G. Kilbourn ought by no means to be released.

Dr. A. A. Lynch, senator, I think might be released on condition that he should resign his place in the senate and take the oath. The Union men have a majority of the senate; but it is now considered desirable to have three more. I did not know this when I wrote in regard to Senator Heckart or I would have suggested the same condition in his case but I think it can be arranged here.

I am, very respectfully, your obedient servant,
JOHN A. DIX,
Major-General.

[Inclosure.]

BALTIMORE, *November 27, 1861.*

Maj. Gen. JOHN A. DIX.

SIR: I have carefully examined the list of political prisoners from Maryland now in confinement at Fort Warren and elsewhere and give below the exact position they occupy in the public estimation here where they are best known.

At the same time I cannot refrain from the expression of my official opinion that the release of such members of the Legislature as were prominent at the session held at Frederick would be hailed as a victory over the Government by the secessionists, and would seem to make good their oft-repeated assertion that these men were only put out of the way until after the election when they would be released as they had not committed any offense against the Government.

I would respectfully suggest that Mr. Heckart's release should have been accompanied by the condition that he should resign his seat in the senate; so also should that of Doctor Lynch if it is contemplated. I

have taken some pains to obtain the opinions of our leading Union men and learn that they coincide in the belief that the time has not yet arrived to release these prisoners and that instead of relaxing the Government should be more stringent than ever. You have doubtless observed the animus that still impels the traitors among us. The persecution threatened to the committee who visited Washington recently in relation to obtaining employment for our working people; the defiance still apparent of certain ministers of the gospel in refusing to officiate on fast or Thanksgiving days when proclaimed by the President of the United States or governor of Maryland; the recent charge given to the grand jury of Talbot County by Judge Carmichael; the indictment (for treason against the State) against the Senator, Goldsborough, consequent upon that charge—are sufficient to show that the snake is only scotched and not killed, and I think show conclusively that leniency exhibited now by the Government might be attended with very serious results.

I would respectfully refer you to the journal of proceedings of the senate and house of delegates during the sessions held at Annapolis and Frederick, from which you will learn the degree of turpitude by which the members were actuated.

I am, with great respect, your obedient servant,

GEO. R. DODGE,
Provost-Marshal.

[Sub-inclosure.]

1. P. F. Rasin, house of delegates; voted treasonably; not otherwise objectionable.
2. Jas. W. Maxwell, house of delegates; voted treasonably; spoke inimically to the Government; think him a dangerous man; always misrepresented his constituents on this question.
3. Clarke J. Durant, house of delegates; voted treasonably; of but little influence.
4. J. H. Gordon, house of delegates; voted treasonably; a dangerous man.
5. R. M. Denison, house of delegates; voted treasonably; not otherwise objectionable.
6. E. G. Kilbourn, house of delegates; was speaker and exercised much influence; was very violent; is a Northern man by birth; we think him a dangerous man and should be retained.
7. A. Kessler, house of delegates; voted wrong; do not think him very obnoxious.
8. Thos. J. Claggett, house of delegates; voted wrong; not otherwise obnoxious; has but little influence.
9. Wm. E. Salmon, house of delegates; in same position as Claggett.
10. B. Mills, house of delegates; in same position as Claggett.
11. J. L. Jones, house of delegates; same position as Claggett.
12. Lawrence Sangston, house of delegates; voted wrong but has but little influence; an old hunker politician; it is his trade; has belonged to any party that would pay him for a number of years past.

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15. J. M. Brewer we have no knowledge of.

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19. Wm. R. Miller we have no knowledge of.

FORT WARREN, *November 28, 1861.*

[Hon. WILLIAM H. SEWARD.]

DEAR SIR: I am the only member of the Maryland Legislature now in Fort Warren. The Legislature meets on the 3d of December next. All my fellow-members are at liberty to attend and why I alone should be confined appears strange to me. I have never violated the Constitution nor have I by any legislative acts or otherwise attempted to sever the bonds of the Union but to the contrary have done all in my power to maintain both.

I should have written to you long since but was induced to believe the true merits of my case had been presented to you by my old friend Reverdy Johnson who is intimately acquainted with my legislative antecedents. I regard my arrest and imprisonment the result of gross misrepresentation. Upon investigation should you find my loyalty fully indorsed by nearly three months' imprisonment I think sufficient without demanding of me an oath not required of my fellow senators who have neither been arrested nor imprisoned. I trust when giving my case a full and final investigation you will at least make no demands not required of others more guilty than myself.

My objection to taking the oath I trust will not be regarded as a want of loyalty. I have been imprisoned without a cause and I think have a right to expect an unconditional discharge.

All of which I most respectfully submit.

Yours, truly,

A. A. LYNCH.

P. S.—Should the above conditions not meet your views I would respectfully suggest my release on parole. I shall leave it with you to dictate the terms. All I ask is an honorable discharge which I think my true legislative course when indorsed by you will demand.

A. A. L.

DEPARTMENT OF STATE,
Washington, November 29, 1861.

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: I have the honor to acknowledge the receipt of your letter of the 27th instant together with its inclosure from George R. Dodge, provost-marshal of Baltimore, in reference to Maryland prisoners.

I have the honor to be, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

BALTIMORE, *November 30, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: As the physician of S. Teackle Wallis, esq., now a prisoner in Fort Lafayette, N. Y., I respectfully urge upon you the condition of his health as requiring his release at your hands.

A thorough acquaintance with the physical status of my patient justifies me in expressing my conviction that his feeble constitution cannot withstand the undermining influences of incarceration. Indeed I have

every reason to believe that his health is already much impaired by the confinement he has already undergone and in stating that in my judgment a protracted imprisonment must be productive of the worst irretrievable consequences to him.

For myself I beg to refer to Dr. Benjamin King, U. S. Army, War Department, Washington.

Very respectfully, your obedient servant,

CHRISTOPHER JOHNSTON, M. D.

DECEMBER 2, 1861.

To the PRESIDENT.

SIR: I have been requested by Simeon Draper, esq., of New York, to lay before you the accompanying papers. I accordingly send them to you.

Very respectfully,

CALEB B. SMITH.

[Inclosure.]

BALTIMORE, *November 25, 1861.*

Hon. SIMEON DRAPER, *Eutaw House.*

DEAR SIR: In a conversation with you on 23d instant relating to the State prisoners from Baltimore now confined at Fort Warren you seemed to think the Government might with great propriety release such as were not charged with any specific or grave offense and you kindly offered to use your influence with the President in this behalf.

I stated to you that I knew all these State prisoners and some of them very intimately. I particularly desire to have my intimate and close friend, Dr. J. Hanson Thomas, released for reasons in which his domestic interests are involved as well as the interests of the bank over which he has for many years presided. I am quite sure that the release of these gentlemen would give great satisfaction to our community and could not be objected to by any part of it.

The friends of these gentlemen have learned that the Government had fully intended to release such of them as were not charged with any specific offense. The proof of this is a letter from Postmaster-General Blair to a friend here dated the 12th instant advising that from a conversation with the President a day or two before he had no doubt he (the President) would immediately release the Baltimore prisoners.

As they have not been released their families and friends have concluded that this determination has been changed by certain language used in an address to the President on the 13th instant from a self-constituted committee of our citizens who went to Washington for the meritorious purpose of asking employment for our mechanics and laboring classes.

In that address they very unnecessarily refer to the removal of certain "incendiary politicians" from our midst as a cause of gratitude to the President. They do not say who these incendiaries are but the effect of the language has probably reached even those whom the President had determined to release.

I called upon Mr. Enoch Pratt, the chairman of this committee, for an explanation of this language. He assured me it had no reference to Doctor Thomas or to other of his friends; that he did not know such language was in the address when he signed it; if he had he would not have appended his name to it; and he was amazed to see it in print.

He also offered to sign any paper addressed to the President soliciting the release of Doctor Thomas and friends. This statement of Mr. Pratt's views and feelings I of course vouch for.

Mr. William McKim, another signer of the address, was written to by the brother of Mr. Charles Howard. Copies of the correspondence are inclosed* herewith and should satisfy any mind that no influence prejudicial to the liberty of these gentlemen was intended to be exercised by him. I am told that other signers have said they regretted the effect of that part of the address and that no part of it was intended for publication.

Whether this is the real cause of their continued imprisonment is known only to the President and his counsellors; but if it is I feel sure that at least the greater portion of the signers of that address would disavow its application to the gentlemen in question as has already been done by their chairman and by Mr. McKim.

I feel that these comments upon this address are necessary to explain to you the unexpected postponement of the release of the gentlemen from Baltimore, and to further enlist the sympathy you have so kindly manifested in their behalf.

With the hope that we may all meet at no distant day as friends and brothers and that our present unhappy strife may be speedily ended,

I am, yours, &c.,

SAM. K. GEORGE.

BALTIMORE, *December 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: It has been represented to us by reliable loyal citizens residing in the city of Annapolis and in Saint Mary's County that Mr. Clarke J. Durant, of Saint Mary's County, Md., late of the Legislature of this State and now confined in Fort Warren, has never been guilty of any disloyal acts and is now willing to take the oath of allegiance or any condition that may be imposed on him by the Government; and understanding that the Government has granted the release of several parties similarly situated we would respectfully solicit your intervention in behalf of Mr. Clarke J. Durant.

Very respectfully, your obedient servants,

THOMAS H. GARDNER,
THOMAS SEWELL, JR.

I am well acquainted with the gentlemen who certify the above. They are loyal and reliable men and any statement they make is entitled to confidence.

Very respectfully, &c.

HENRY W. HOFFMAN,
Collector.

HEADQUARTERS, *Baltimore, December 7, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I sent a few days ago by mail the journals and documents of the senate and house of delegates of Maryland and the laws passed at a special session of the Legislature of 1861 but I accidently omitted to advise you of their transmission.

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* Not found.

I had the honor to receive yesterday your letter of the 5th instant* inclosing copies of two letters, one from John S. Keyes, esq., U. S. marshal for the district of Massachusetts, relative to Messrs. Lynch and Macgill and the other from Doctor Lynch himself.

I cannot advise the release of Doctor Lynch unless he will resign his seat in the senate. Although he says in his letter that he has done all in his power to maintain the Constitution and the Union if you will turn to page 131 *et seq.* of the senate journal above referred to you will find he gave votes which were anything but favorable to the preservation of the Union. If he would consent to resign his seat in the senate I think he might be released on parole; but as a general rule it is not in my judgment advisable to release any man who refuses to take the oath of allegiance. Our citizens must be for the Union or against it. If they are not for it they are in favor of overturning the Government which is the representative of the Union; if they refuse to give a pledge of fidelity to it they can be regarded in no other light than that of secret enemies, and if they are in custody on charges of disloyalty it seems to me that they should be required to purge themselves by taking the oath of allegiance.

Doctor Macgill is not and has not been latterly at least a State senator. I inquired into his case when he was sent here from one of the northwestern counties of Maryland. I think he should be released if he will take the oath of allegiance. The U. S. marshal of Massachusetts is under a misapprehension in regard to him.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS,
Baltimore, December 12, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The governor-elect, Hon. A. W. Bradford, called on me this morning to ask my interposition with you for the release of Charles H. Pitts, late a member of the house of delegates from this city, either permanently or temporarily. Under all the circumstances of his case and the condition of his young and helpless family I recommend that he be released on his parole for thirty days to enable him to visit this city.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

FRIENDLY HALL, *December 12, 1861.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: Mrs. M. C. Durant, wife of Clarke J. Durant, esq., of Saint Mary's County, Md., has addressed a letter to me soliciting my kind offices in behalf of her husband. She assures me her husband has done no act of disloyalty to the Government; that he was at home attending upon her in her illness at the time the Wallis resolutions were before the Legislature. I am also credibly informed that his affairs are much deranged by his absence and that his wife's health is still very delicate. It is under these circumstances I have taken the liberty to address you.

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* Not found.

Whilst my sympathies are ever alive to the sufferings of my fellow beings particularly unprotected females, and in this case one who is a descendant of a revolutionary soldier long an intimate and personal friend, I could in no wise permit my sympathies in the slightest degree to induce me to do anything that might militate against the integrity and welfare of my country. Should there be no evidence that he has been guilty of treasonable acts against the Government or giving aid and comfort to the enemy within your knowledge of which I am ignorant might I not be excused for recommending his release upon such terms as your superior wisdom may suggest?

Most respectfully,

WM. J. BLAKISTONE.

DEPARTMENT OF STATE,
Washington, December 16, 1861.

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Herewith I have the honor to inclose some statements relative to the cases of John M. Brewer and Andrew Kessler. Their release is recommended by the Hon. Francis Thomas. Will you have the kindness to read them and return the inclosure with your opinion thereon to this Department.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

[Inclosure.]

LEGISLATURE OF MARYLAND, HOUSE OF DELEGATES,
Annapolis, December 10, 1861.

Hon. FRANCIS THOMAS, *Washington.*

MY DEAR SIR: I have received your note. I do not desire that any special exertion shall be made on behalf of Mr. B. nor anyone else. As the Government has seen fit to apprehend him and others it is to be presumed they had good cause for it, and ignorant of the grounds of the arrests it would be hazardous on our part to offer advice or make any instances in relation thereto. All that we can do is to suggest the insignificance of Mr. B. in his political relations and our impression that if the Government would examine into his case they would in all likelihood set him at large. The only motive for your or our interposition is to be found in the fact that the poor fellow has no friend to take up his cause and he is therefore in danger of being overlooked.

Our police bill is under consideration and I think we shall in a few days act satisfactorily on the subject.

Yours, respectfully,

TH. S. ALEXANDER.

FORT WARREN, *December 16, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: By the memorial addressed by me to the president of the senate of Maryland which was forwarded to you* and by you transmitted

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* Not found; but see Lynch's letter of January 1, 1862, to the president of the Maryland senate, p. 725.

to the governor of Maryland by whom it was laid before the body for whose consideration it was intended you fully understand my position. That memorial was entered upon the journal of the senate and referred to the committee on federal relations of that body. A report will doubtless soon be made upon it by that committee when my case will come up for the consideration of the senate. It is a case which involves my rights as a member of the senate and as a citizen of the State of Maryland, and concerns my character both as a public man and a private individual. I claim as a right and as but a measure of common justice to be personally present and to be heard by my peers when matters of such vast moment to me in all the relations to which I have adverted shall come up for their action.

I therefore request that you will grant me a parole by which I may take my seat as a senator of Maryland and have an opportunity to vindicate myself before a body certainly not partial to me and yet before which I will fearlessly appear and submit my public conduct and political action to the severest scrutiny which even my opponents can institute confident that I shall come out of the ordeal freed from all suspicion of the slightest act inconsistent with the character of a good citizen and an honest man.

I would add as a further reason for my being discharged upon parole the necessities of my private business which have been deemed by you in the cases of several of my late fellow-prisoners from the State of Maryland good cause for their discharge upon parole. In my own case a necessity the most urgent is presented in the fact that my attorney Benjamin M. Heighe, late of the city of Baltimore, who had charge of my business in the leasing of a large number of buildings and the collection of the rents as well as in making my collections generally has died within a few weeks past and since my imprisonment and there is no one competent or authorized to take charge of the matters which were in his hands.

I am, respectfully, yours, &c.,

ANDREW A. LYNCH.

HEADQUARTERS,
Baltimore, December 17, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to return the papers in the case of Andrew Kessler, a member of the Maryland Legislature now confined in Fort Warren. He was never in custody at Fort McHenry and was not on the list of prisoners here; but I am acquainted with all the circumstances relating to his arrest and recommend his release on taking the oath of allegiance. He voted against the resolution to recognize the Confederate States.

In my letter to you of the 14th instant* I recommended that John M. Brewer be released on his parole for thirty days.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

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* Not found.

DEPARTMENT OF STATE,
Washington, December 17, 1861.

Col. JUSTIN DIMICK, *Fort Warren, Boston, Mass.*

COLONEL: You may release John M. Brewer, a Maryland prisoner, on his stipulation upon oath that he will not enter any of the States in insurrection against the authority of the Government of the United States; that he will not hold any correspondence himself nor be engaged in any with persons residing in those States; that he will not hold any treasonable correspondence or be engaged in any with any persons whomsoever; that he will not do any act or thing hostile or injurious to the Government of the United States, and that at the expiration of the period of thirty days* from the date of his release he will voluntarily return to Fort Warren and deliver himself into your custody unless otherwise directed by the Secretary of State.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE,
Washington, December 18, 1861.

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: I have the honor to acknowledge the receipt of your communication of the 17th instant relative to Andrew Kessler and John M. Brewer. In reply I have to inform you that the former will be released on taking the oath; and that an order to release the latter on parole for thirty days was issued immediately upon the receipt of your report of the 14th instant.

I have the honor, &c.,

F. W. SEWARD,
Assistant Secretary.

HEADQUARTERS,
Baltimore, December 21, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a letter from Hon. Francis Thomas recommending the release of Hon. Thomas J. Claggett and William E. Salmon, late members of the house of delegates. Both are willing to take the oath of allegiance and I concur in recommending their release.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General.

[Inclosure.]

WASHINGTON, *December 20, 1861.*

Maj. Gen. J. A. DIX.

SIR: From our conversation I learned that you have omitted to refer to the cases of Thomas J. Claggett and William E. Salmon in your letter to the Secretary of State respecting the release of Messrs. Kess-

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*On the recommendation of General Dix, this period was extended to sixty days.

ler and Brewer. Please have the kindness to consider the claims of those two prisoners and indicate a course with respect to them which in your judgment the Government ought to pursue.

I submit respectfully a letter from Mr. Salmon addressed to myself. Mr. Claggett has not himself written but his loyal friends—and he has many in my district—have urged me to interfere in his behalf.

You are aware that neither Mr. Claggett nor Mr. Salmon is now a member of the house of delegates of Maryland. Their time of service expired on the 6th of November when their successors were elected. They hold no official station and being without political influence I must believe that no public interest will be put in hazard by their release.

Mr. Claggett I am well advised declined to go to Frederick to meet the Legislature on the day fixed for it to assemble and was arrested at his home, and from the letter of Mr. Salmon inclosed you will see that he is not disposed to give further trouble.

Very respectfully

FRANCIS THOMAS.

[Sub-inclosure.]

FORT WARREN, *Boston, December 17, 1861.*

Hon. F. THOMAS:

Permit me to call your attention to the fact that I am a prisoner at this fort and have been for three months with Mr. Kessler and Claggett, of Frederick County. The charge against [us] I believe is we were members of the late Legislature of Maryland. I am very anxious to return to my home on the same conditions as Dennis, Doctor McCubbin, Landing, Quinlan and Heckart. Those gentlemen subscribed to the oath of allegiance and are now home. The last-named gentleman has taken his seat in the senate of Maryland. I am willing to take the oath as the others above have done. I ask it as a favor that you call on Mr. Seward and request my release and oblige an old friend.

Respectfully, yours,

WM. E. SALMON.

P. S.—Mr. Kessler will also take the oath as required by the Government.

DEPARTMENT OF STATE,
Washington, December 23, 1861.

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Your letter of the 21st instant with its inclosures has been received.

Directions have been sent to Colonel Dimick to release Thomas J. Claggett and William E. Salmon, now confined at Fort Warren, upon their taking the oath of allegiance and making the usual stipulations.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

HEADQUARTERS,
Baltimore, December 23, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your communication of the 19th instant* inclosing a letter from Hon. Andrew A. Lynch, a member of the senate of this State, and asking my opinion thereon.

Mr. Lynch requests that he may be released on parole in order that he may take his seat and be heard by his peers when his case shall come before them for their action. It is to be presumed if the senate of Maryland takes up his case and decides to inquire into his past conduct excepting so far as it is shown by its own journals that he will be allowed an opportunity of vindicating himself from any accusations which may be brought against him. But until a wish is expressed by the senate that he shall be allowed to take his seat I do not think the Government is called on to release him for the purpose. The recent election shows that during the June session of the Maryland Legislature his disloyal course was in direct opposition to the wishes and opinions of his constituents and they cannot be supposed to desire his restoration to his place. To his conduct and that of his associates in the Legislature more than to any other cause are no doubt due the repeated demonstrations of the Confederates against the State of Maryland and the aid their army has received from this quarter.

Under these circumstances I think Mr. Lynch has no claim to the clemency of the Government; at the same time if he will resign his seat in the senate and allow his constituents an opportunity of filling his place by one who will not misrepresent them I would advise his release on the further condition that he take the oath of allegiance; or I would even suggest his release on parole if he will resign, though I would not advise a discharge from arrest without taking the oath of allegiance in other cases.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

P. S.—Mr. Lynch's letter is herewith returned.

HEADQUARTERS,
Baltimore, December 24, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The friends of Hon. Lawrence Sangston, late a member of the house of delegates of this State, are very desirous that he should be permitted to return home for thirty days on parole. His wife is in very bad health and has six helpless daughters. I recommend that the permission be granted.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

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* Not found; but see Lynch's letter of December 16, p. 718.

FARMERS AND MERCHANTS BANK,
Baltimore, December 24, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: At the suggestion and request of the directors of this bank I respectfully solicit the temporary release on his parole of Dr. John Hanson Thomas, the president of this bank, now confined in Fort Warren as a prisoner of state. His absence has caused some inconvenience in the administration of the business of the bank and his absence at this particular time (near the beginning of another year) is especially inconvenient. The directors would be glad to see him discharged unconditionally but as agents for the bank they limit their application as above for a period sufficiently long (at least thirty days) to enable him to examine its affairs and assist in the preparation of the annual statements so that they may be authenticated as required by law.

Hoping that this request may meet a favorable response,

I have the honor to be, very respectfully, your obedient servant,

JAMES MOTT,
Cashier.

[First indorsement.]

DEPARTMENT OF STATE,
Washington, December 27, 1861.

Respectfully referred to Major-General Dix by the Secretary of State for opinion as to the propriety of granting the request. This letter to be returned with report thereon.

E. D. WEBSTER,
Clerk.

[Second indorsement.]

HEADQUARTERS,
Baltimore, January 1, 1862.

I respectfully recommend that Dr. Thomas be released on parole for thirty days. Remit the application to me.

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE,
Washington, December 26, 1861.

Col. JUSTIN DIMICK, *Fort Warren.*

SIR: Lawrence Sangston may be allowed to visit his family in Baltimore and to be absent thirty days on giving his parole that he will return to Fort Warren at the end of that time and will do no act hostile to the United States.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

FORT WARREN, *December 28, 1861.*

Hon. W. H. SEWARD.

SIR: I am a prisoner in Fort Warren. I have been arrested at the arbitrary will of the Government at Washington acting more particularly through the Department thereof over which you preside.

In my arrest none of the forms of law heretofore existing in Maryland of which State I am a citizen have been complied with; the arrest, however, was none the less potent and my imprisonment is none the less secure.

Under the government and laws which existed in Maryland up to the time at which I was arrested my arrest would have been a high crime for which the parties perpetrating the same would have been punished by the courts and from them I should have recovered damages for the injuries I have sustained, or rather no power up to that time would have dared to make such an arrest. I have been carried outside the jurisdiction of my own State, there imprisoned and denied any of what were considered legal modes of release and redress but am directed to apply for release to the Secretary of State of the United States. It is plain then so far as Maryland is concerned there has been a revolution in government; that the power of her courts and the protection which they afforded to her citizens has been usurped by the Government at Washington, and we are taught that the Department thereof which you are the head determines who shall be arrested in Maryland, how arrested, where imprisoned and when released. I am free to admit that such revolution has been accomplished in Maryland and am satisfied that no resistance can be made to it even by those disposed so to do, but that a government de facto is now established in Maryland as firmly as ever existed in that or any other State, that it has been acquiesced in by a vote of the people of the State (whether such vote was influenced by a show of military force or not does not matter), and that the citizens of Maryland must submit to a government against which they either have not the will or the power to resist, as it is evident that such government does sustain itself in Maryland and no doubt has full confidence in its power so to do.

It is further evident that the arrests made in Maryland was one of the means thought necessary by the United States to bring about the condition of things now existing in that State; that if any such necessity did exist that no such necessity now continues, and that humanity as well as expediency requires that they should be discontinued and that those in custody be released.

For my own part I am free to say that acquiescence in the existing government in Maryland is a matter of compulsion not of choice, but not the less positive on that account; that any further indignity which I may be obliged to suffer is unnecessary and any oath or obligation which may be attempted to be imposed on me will not influence or effect my allegiance to the Government now in power to which I submit and therefore can be conducive to no good.

As you have directed our cases to be placed before you—as you have the power—and have assumed the responsibillty of determining them I think it better to make this statement that you may understand my views and see that there is nothing to be gained by my further imprisonment, but on the contrary that whilst the detention of the Maryland prisoners can no longer effect any good under the system which you have thought proper to inaugurate their release will disarm your political enemies from legislative interference and those appeals to the public which they will have the power to make whilst these arrests and imprisonments continue.

Your obedient servant,

ROB. M. DENISON,
Baltimore County, Md.

FORT WARREN, BOSTON HARBOR,
January 1, 1862.

The PRESIDENT OF THE SENATE OF MARYLAND.

SIR: On the 3d of December, 1861, I addressed you a communication to be laid before the senate in regard to the cause of my absence from my seat. I perceive by the newspapers that my letter was transmitted to the State Department of the United States, and having been forwarded to you by Mr. Seward was presented to the senate and referred to the committee on federal relations. I regretted and was surprised to learn from the same sources that the senate had adjourned to its regular session without having acted upon the matter, and indeed without having received any report from the committee.

I deem it now proper to inform the senate that on the day on which the communication last mentioned was mailed by me and after it had been forwarded I was presented by Colonel Dimick, the commandant of this post, with a letter from Mr. Seward instructing him to release me upon my taking what is called "the oath of allegiance" and resigning my seat as a member of the senate of Maryland. I inclose herewith a copy of the Secretary's order* for the information of the honorable body over which you preside. It is hardly necessary to say that I at once declined to accept my release upon the terms prescribed. I refused to take the oath of allegiance for many reasons of which it is sufficient to mention the obvious one—that neither the Secretary of State nor any other officer of the Government is authorized to prescribe it to me, and least of all as the condition of my release from an imprisonment in which I am unlawfully and forcibly held in violation of the laws and Constitution of the United States. I refused to consider the proposition to resign my seat as a member of the senate of Maryland because the Secretary of State can have no constitutional, lawful or proper concern of any sort with the composition of that honorable body, or the selection or removal of its members or their conduct as such; and I felt it due not only to myself but to my official position to resist any such interference upon his part through me with the constitutional independence of the State of Maryland and the rights and dignity of its Legislature and people. It is for the senate to determine for itself what notice such action on the part of the Executive Government of the United States may require at its hands.

On the 16th of December, 1861, I addressed to the Secretary of State a communication of which a copy is likewise furnished herewith† in which I asked to be released under temporary parole for the purpose of appearing before the senate or its committee in any investigation which might be had in my case, and for the further purpose of attending to my private affairs which are suffering greatly from my absence. I have received no answer whatever to my letter. I leave it to my fellow senators, many of whom entertain and have officially expressed the same opinions of public policy which have caused my unlawful seizure and confinement, to take such steps in view of the foregoing facts as they may deem due to themselves, the honorable body which they compose and the rights of citizens of Maryland.

Very respectfully, your obedient servant,

ANDREW A. LYNCH.

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*Not found.

† Omitted here. See Lynch to Seward, p. 718.

PHILADELPHIA, *January 8, 1862.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

SIR: I take the liberty of addressing you on behalf of and perhaps to save the life of one of my oldest and dearest friends.

Among the persons imprisoned at Fort Warren is S. Teackle Wallis, of Baltimore. He was a member of the Maryland Legislature opposed to your administration. I have known him intimately for nearly thirty years. He is a man of the highest personal honor who would rather die than say what was not exactly true. It is reported that he is arrested on suspicion of having prepared or been accessory to the preparation of an ordinance of secession for Maryland.

I have seen under Mr. Wallis' own hand the statement that neither of these charges have the slightest foundation in truth. His opposition to your administration was open and manly. I have also his assurance in a letter to me of August 12, 1861, that he never would be engaged in any treasonable attempt to subvert the Government. This is his language:

> I am as I have said the advocate of no policy of violence or revolution on the part of Maryland. She must submit to a fate she cannot mold and must practice the most difficult of virtues—endurance and forbearance. Such I am happy to say is the policy of all our leading men and I am gratified at having had much to do with shaping it.

The length of time which has elapsed since he was imprisoned has afforded ample opportunity to investigate his case. He is a man of the feeblest constitution having scarcely known a well moment for the last twenty years. He is so delicate that he will probably die if kept this winter in confinement.

I trust, sir, you will see fit to investigate this case on the score of humanity. I have not the honor of being known to you, but Reverdy Johnson and other distinguished men of Maryland know Mr. Wallis even better than I do and you will find on inquiry that I have exaggerated nothing in this statement.

I have the honor to be, with great respect, your obedient servant,
WM. H. DRAYTON.

DEPARTMENT OF STATE,
Washington, January 9, 1862.

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: You are authorized to exercise your discretion in regard to the extension of the parole of Charles H. Pitts and Dr. J. Hanson Thomas, granting or withholding it with such conditions or limitations as vou may deem proper.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

NEW YORK, *January 9, 1862.*

F. W. SEWARD, *Assistant Secretary of State.*

SIR: Among the political prisoners in Fort Warren I found A. A. Lynch, from Maryland. I have seen no notice of his having been dis-

charged. If he is yet in restraint I beg leave to suggest in his case that I found no greater evidence of disloyalty in his case than in the other prisoners from Maryland who have been set at liberty. He was a senator and the record showed that he opposed direct secession. I thought him to be as friendly to the Union as any of the members of the Legislature but the circumstance that he was a hold-over senator and entitled to a seat in the Legislature at the then next session induced me to think it safe for him to remain in Fort Warren until after the session should be over as I could not tell how the parties would stand in that body.

I think now that it would be safe to let him out (if he has not already been released) on the usual terms. I have not asked you for papers in his case and my conclusion should pass for nothing if you have any proofs against him on file in your Department showing that he ought to be held.

Yours, respectfully,

S. C. HAWLEY.

HEADQUARTERS DIVISION,
Baltimore, Md., January 11, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to return the letters of Mr. Tracy.* I do not think Mr. T. Parkin Scott should be released even if he should agree to take the oath of allegiance. His presence here would be very distasteful to the friends of the Union whose feelings should be respected, and I regard him as one of the few persons in custody who should be under restraint until the insurrection is suppressed or until the Confederate army in front of the Potomac is dispersed. The inclosed letter† from him to the board of police written on the 2d of May, 1861, will show you how deeply he was implicated in the treasonable movements in Maryland at that day.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS,
Fort Warren, Boston Harbor, January 14, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have the honor to report that J. Hanson Thomas declines the parole offered to him by yours of the 3d instant.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

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*Not found.
† See p. 675 for letter of Scott to Police board.

DEPARTMENT OF STATE,
Washington, January 16, 1862.

Col. JUSTIN DIMICK, *Fort Warren.*

COLONEL: Your letter of the 14th instant reporting that Mr. J. Hanson Thomas declines the parole tendered him has been duly received. In reply I have to request that you will hold him in custody till further instructions are received from this Department.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

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413 BROOME STREET, NEW YORK,
January 16, 1862.

F. W. SEWARD, *Assistant Secretary of State.*

SIR: When I visited Fort Warren in November certain prisoners chose to reply in writing to the question whether they were willing to take the prescribed oath in the event of being offered a discharge. Among them were ten prisoners from Maryland who in effect declined. I do not know whether any or all of them are still detained, but I send you their replies* as proper to be placed on file in their respective cases. They will exhibit clearly the animus of the parties at that date.

They were all undoubtedly disloyal men under thin disguises and wanted only opportunity to do harm. The time will come if it has not already when they could be discharged with prudence. Of that you can judge far better than I, having means that I have not for observing the state of political opinion in Maryland. I should say, however, on general view that when the rebel army shall have been driven out of Virginia that a general jail delivery of the ten gentlemen whose answers are inclosed would be prudent.

I will add that I do not personally know that there is a good reason for detaining them so long.

Yours, respectfully,

S. C. HAWLEY.

DEPARTMENT OF STATE,
Washington, January 17, 1862.

Maj. Gen. JOHN A. DIX, *Baltimore, Md.*

GENERAL: Application has been made for the unconditional release of Robert M. Denison. Will you have the kindness to read the inclosed statement† and report to this Department whether in your judgment there is any well-founded reason why the application should not be granted. Please return this inclosure.

I have the honor to be, &c.,

W. H. SEWARD.

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* Not found, but see p. 705.
† See Denison to Seward, p. 723.

DEPARTMENT OF STATE,
Washington, January 17, 1862.

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Herewith I have the honor to inclose for your examination a communication from the committee on federal relations in the senate of Maryland relative to the case of Mr. Andrew A. Lynch, of Baltimore.

Will you please read it and inform me whether in your judgment it is expedient to discharge Mr. Lynch on his taking the oath of allegiance and entering into the usual engagements required by the Government. Please return these inclosures therewith.

I have the honor, &c.,

W. H. SEWARD.

[Inclosure.]

ANNAPOLIS, MD., *January 15, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The undersigned are the Union members composing a majority of the committee of the senate of Maryland on federal relations to which committee has been referred among other things the memorial* of Dr. A. A. Lynch, senator from Baltimore County, now in confinement at Fort Warren.

The memorial came to us from the State Department through the hands of Governor Hicks and we presume has been examined by you; we have thought it best, however, in communicating with you upon the subject to inclose a copy of it in printed form.

Being ourselves in entire ignorance of the nature of the charges against Doctor Lynch we have deemed it proper to request that you will inform us (if in your judgment it is not incompatible with public interest for you to do so) whether Doctor Lynch has been offered his release upon taking the oath of allegiance and has refused the condition.

If such an offer has not been made to him we should be glad to learn whether the Government would be willing to release him upon the terms indicated, or whether there are other reasons the nature of which if they exist we of course do not feel at liberty to inquire into which would preclude his discharge from confinement.

With high respect, your obedient servant,

CHARLES F. GOLDSBOROUGH,
Chairman.

JNO. E. SMITH,
LEWIS S. FIREY.

[For memorial of Andrew A. Lynch, see journal of proceedings of the senate of Maryland dated December 9, 1861, pp. 15 to 17 inclusive.]

HOUSE OF REPRESENTATIVES,
Washington City, January 17, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I inclose a letter from Mr. Bond asking the release of E. G. Kilbourn, esq., for thirty days.

Please inform me of your determination in the matter and much oblige, very respectfully, your obedient servant,

CHAS. B. CALVERT.

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*Not found. For Lynch to President Maryland senate, see p. 725; Lynch to Seward, see p. 718.

[Inclosure.]

BALTIMORE, *January 16, 1862.*

Hon. CHARLES B. CALVERT.

DEAR SIR: I take the liberty of addressing you in behalf of E. G. Kilbourn, esq., confined since early in September last if I am not mistaken as a political prisoner and now at Fort Warren, Boston Harbor. He was a member of the late house of delegates of Maryland. His wife, a very interesting woman, is very sick, indeed I may say she is ill and may never see her husband again unless he is shortly released. His business affairs are going to the dogs and as far as I can see or imagine there can be no reason for keeping him longer. Will you do me as well as Mrs. K. the favor to ask for his release at least for thirty days he giving his parole to return at the expiration of that time? This would be an act of real humanity and I hope you will see Mr. Seward and obtain an order for his release as above.

I am, &c., very truly and respectfully, yours, &c.,

WM. B. BOND.

HEADQUARTERS,
Baltimore, January 18, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant relating to Robert M. Denison, a prisoner at Fort Warren, and recommend that he be released on his parole for thirty days.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS,
Baltimore, January 18, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant relating to the case of Doctor Lynch, now confined at Fort Warren, and recommend that under existing circumstances Doctor Lynch be released upon taking the oath of allegiance without being required to resign his seat in the senate.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS,
Baltimore, January 18, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant* with inclosures relating to the case of C. J. Durant, now confined at Fort Warren. On the 14th of December last I recommended to you that Mr. Durant be released on taking the oath of allegiance and that recommendation I now renew. The inclosures are herewith returned.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

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* Not found.

DEPARTMENT OF STATE,
Washington, January 20, 1862.

Hon. MONTGOMERY BLAIR, *Postmaster-General.*

SIR: Referring to your letter of the 18th instant* relative to Dr. Charles Macgill and C. J. Durant I have the honor to inform you that the report of Major-General Dix in reference thereto has been received. General Dix does not recommend any modification of the terms upon which their discharge was heretofore tendered them, viz, taking the oath of allegiance.

I have the honor to be, &c.,

F. W. SEWARD,
Assistant Secretary.

DEPARTMENT OF STATE,
Washington, January 22, 1862.

Maj. Gen. JOHN A. DIX, *Baltimore.*

GENERAL: Will you have the goodness to inform this Department whether in your judgment there is any well-founded reason for continuing to hold Philip F. Rasin and Robert W. Rasin in confinement, and upon what terms if any you would recommend their discharge.

I have the honor to be, &c.,

F. W. SEWARD,
Assistant Secretary.

WASHINGTON, *January 22, 1862.*

[F. W. SEWARD.]

DEAR SIR: I have yours of the 20th relative to Durant and Macgill. You will see by reference to my first letter that I did not propose that they should be released without taking the oath of allegiance and if I had thought the form in which they proposed to take it differed in substance from that prescribed at the Department I should not have interposed.

Yours, truly,

M. BLAIR.

ANNAPOLIS, *January 24, 1862.*

Governor SEWARD.

DEAR SIR: I place in your hands the inclosed papers and submit that Mr. Claggett's case is a fit one for parole.

Yours, with respect,

REVERDY JOHNSON.

[Inclosure No. 1.]

WOODLIE, WASHINGTON COUNTY, MD.,
January 22, 1862.

Hon. REVERDY JOHNSON.

DEAR SIR: Peculiar circumstances will I hope justify a stranger in calling your attention to an important event now transpiring.

Thomas J. Claggett, a delegate to the last Legislature of our State, is now a prisoner at Fort Warren. He was arrested at his house on

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* Not found.

the night of 17th September last at 2 o'clock by a party of soldiers; taken to Frederick, thence to Fort Lafayette, thence to Fort Warren where he now is. He has now been a prisoner for more than four months and yet no charges have been presented against him; no opportunity given him to confront his accusers.

Saint Paul appealed unto Cæsar for justice. To whom shall Mr. Claggett apply? Festus said, "It seemeth to me unreasonable to send a prisoner, and not withal to signify the crimes laid against him." The Government in four months has presented no charge; has afforded no opportunity to face his accusers. Day after day, night after night passes. He is far away from home, from wife, from children, from business, from friends; anxiety harasses his mind; uncertainy lowers over his future. He knows not why or at whose instance he has been imprisoned.

Mr. Claggett is a farmer and lives some ten miles from Frederick City. He is a quiet, peaceable citizen; a sober, upright, honest citizen who has had but little to [do] with politics. He is a Protestant, an old Whig and has therefore had but little to do with Governor Lowe. He has been a vestryman for many years, a church member, a Sunday-school teacher; was always fond of children; and often amuses himself at the trickery and criminations of politicians. He is not the man for plots and treason, for conspiracy and rebellion.

He did not intend to meet the adjourned Legislature in Frederick last September. But for the sickness of his little son he would have been on the night of his arrest at the house of his sister in an adjoining county.

Mr. Claggett always disapproved of secession as a remedy for political grievances. He thought secession would be unwise, impolitic and inexpedient for our State. He thought the South had rights under the Constitution which a party might ignore, which our Government might allow fanatics to disregard, to trample under foot. Our political future looked dismal to him. I am a Union man. My father fought under the stars and stripes against Great Britain; my uncle, my cousin were officers under Government in that struggle. But the proclamations of Frémont and Phelps, the speech of Colonel Cochrane at Washington, and its indorsement by the Secretary of War, Cameron, fills me with dread. I shudder at the thought that in an evil hour fanaticism may usurp the place of patriotism and compromise.

Mr. Claggett has not given "aid or comfort" to the enemy. No charge of treason can be sustained against him. He would like to see the charges against him—to face his accusers. Can he be gratified?

The Government offered to liberate Mr. Claggett if he would take the oath of allegiance. He declined to take the oath. He says:

> I owe a native allegiance to my country more sacred and binding than any naturalization oath can make and I say distinctly that in my case that allegiance has not been violated.

But he wishes to disperse the clouds of suspicion which now rest on his character by the act of his Government. If he is a traitor let the fact appear to the world. If he is an innocent citizen falsely charged by persons in the dark; if the Government has been misled by the busy mischief-maker, let the fact appear—the truth come out. Right wrongs no man. Mr. Claggett's family for more than two centuries have been land owners in our State. His grandfather was chaplain to the first Congress, of untarnished memory; he desires to transmit to his children a good name. Is such desire unreasonable? Mr. Claggett is in moderate circumstances and therefore his time and attention to

business is necessary to the comfort and welfare of his family. His honor, the honor of his father's house, is a consideration dear to his heart. How can he vindicate his name and his fame from the suspicions which now environ him?

Pericles in his dying moments declared, "I never yet caused a single citizen to put on mourning." Happy the man in our day who at the close of life shall be able to say, I have wronged no man by word or deed; I was always ready to vindicate the cause of the innocent from the crafts and assaults of the false, the unscrupulous and the wicked.

Hoping you will excuse a stranger for thus taxing your time and patience and that you will aid in doing justice to a wronged and innocent man,

I am, respectfully, your obedient servant,

THOMAS MADDOX.

[Inclosure No. 2.]

ANNAPOLIS, MD., *January 24, 1862.*

The undersigned, delegates from Frederick County in the Legislature of Maryland, respectfully state that they are acquainted with Thomas J. Claggett, late a delegate from Frederick County in the last Legislature, and that we regard him as a harmless, peaceable and respectable citizen and believe that his release from confinement would be very acceptable to the people of Frederick County generally as it certainly would be to the undersigned.

THOS. HAMMOND.
J. M. COCLE.
THO. JOHNSON.
JOSHUA BIGGS.

I, Andrew A. Lynch, of Baltimore County, Md., do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or Legislature to the contrary notwithstanding; and further that I do this with a full determination, pledge and purpose without any mental reservation or evasion whatsoever; and further that I will well and faithfully perform all the duties which may be required of me by law.

Hereby stipulating that I will neither enter any of the States in insurrection against the authority of the United States Government nor hold any correspondence whatever with persons residing in those States without permission from the Secretary of State, and also that I will not do any thing hostile to the United States during the present insurrection. So help me God.

ANDREW A. LYNCH.

Subscribed and sworn to this 24th day of January, A. D. 1862, before me at Fort Warren.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

I request this my protest may be filed with the oath which I have taken required of me by the State Department in their order to Colonel Dimick, January 20, 1862. I feel myself compelled by circum-

stances personal to myself and which I ought no longer to resist [to yield], and in so doing protest against the legal right of the Department of State to make such a demand of me.

ANDREW A. LYNCH.

WASHINGTON, *January 25, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Being satisfied that Messrs. Maxwell and Miller, members of the last Legislature of Maryland from Cecil County, and now confined at Fort Warren have neither the power nor the disposition to interfere in any way with the operations of the Government in putting down the rebellion and that they may with perfect safety and indeed with advantage to the Union sentiment of Maryland be discharged from custody I am induced to apply for their release.

They have declined to accept of a discharge upon condition that they would take the Congressional oath though I have authority for saying that they would gladly accept of a parole such as was granted to Mr. Davis, of Baltimore, and others.

I would respectfully suggest to the Department that they be granted a parole say for thirty days or longer, and at the expiration of that time that leave be given General Dix further to extend it if in his judgment it should be proper for him to do so. I am sure that no harm will or can result from such a manifestation of clemency on the part of the Government but that such a course would tend greatly to strengthen the power of the Union organization in Maryland.

These men are both young, have but little personal influence and are entirely harmless in their county where the Union majority was over 2,000 in a vote of 4,000. Many of their friends and relatives are loyal men and would be gratified at their release. They will doubtless give every reasonable assurance that they will in no way interfere in political matters as against the Government.

I am a resident of the same town and county with them and have known them for many years and am therefore competent to speak of the risk in releasing them. Notwithstanding my long acquaintance with them I assure you that no consideration of a personal character could induce me to solicit their release if I did not honestly believe that it could be granted with perfect safety.

Though I fully justified the Government in arresting them at the time and in retaining them ever since yet I now honestly believe that a longer confinement is entirely unnecessary.

The names of the parties in whose behalf I write are James W. Maxwell and William R. Miller, of Elkton, Cecil County, Md.

With great respect, I am, your obedient humble servant,

JOHN A. J. CRESWELL.

[Indorsement.]

DEPARTMENT OF STATE,
Washington, January 29, 1862.

Respectfully referred by the Secretary of State to Major-General Dix for his opinion thereon with a request to return these papers.

E. D. WEBSTER.

HEADQUARTERS,
Baltimore, January 27, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose an application* signed by a large number of our most respectable Union men asking that Hon. Lawrence Sangston may be permitted to report to me for an extension of his parole on such conditions as I may think proper.

I concur in the request, and am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE,
Washington, January 29, 1862.

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

COLONEL: Major-General Dix has been authorized by this Department to extend the parole of Lawrence Sangston and to request him to report to him (General Dix) at Baltimore instead of to you at Fort Warren.

I am, colonel, &c.,

F. W. SEWARD,
Assistant Secretary.

HEADQUARTERS,
Baltimore, January 30, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to return the papers relating to Messrs. Maxwell and Miller, of Cecil County. I see no objection to their release as suggested.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

FORT WARREN, BOSTON HARBOR,
January 30, 1862.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I have to report that Mr. R. M. Denison declines the parole of thirty days offered to him by your letter of 21st instant.

I am, sir, with the highest respect, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

DEPARTMENT OF STATE,
Washington, January 31, 1862.

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: You may release James W. Maxwell and William R. Miller upon their engaging upon honor that at the expiration of the period of thirty days from the date of their release they will voluntarily sur-

* Omitted.

render themselves to Maj. Gen. John A. Dix at Baltimore, to be by him returned to the fort unless he shall otherwise direct; and that in the meantime they will neither enter any of the States in insurrection against the authority of the Government of the United States nor hold any correspondence with any person residing in those States without permission from the Secretary of State, nor be engaged in any treasonable communication with any body nor do any act hostile or injurious to the Government of the United States.

I am, &c.,

W. H. SEWARD.

(Copy to General Dix.)

DEPARTMENT OF STATE,
Washington, February 1, 1862.

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: Your letter of the 30th ultimo has been received. You will please hold R. M. Denison in your custody till further orders from this Department.

I am, &c.,

F. W. SEWARD,
Assistant Secretary.

BALTIMORE, *February 1, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: There is one sentence in a speech made by Mr. S. Teackle Wallis (now in Fort Warren) at a meeting held in the Maryland Institute in this city on the evening of February 1, 1861, that may not be known to you as I am sure that it is not to the community generally, and I therefore send it to you as I find it in my file of the Baltimore American of the following day.

Mr. Wallis having expressed his "intense indignation which the course of Governor Hicks excited in his breast" and having commented on the Governor's letter, &c., said:

> From all this it is plain that you must patiently wait until Lincoln is inaugurated and then you will be called on to support his government. [Loud cries of "Never! Never!"] This is a compact, however, that requires two to agree to. After they have got you thus far it will be too late for you to express your views on the subject. * * * They tell us that the Union is all in all and that secession is unconstitutional. Do they suppose that we are looking at statute books which are binding on all?

The last sentence is the one referred to above; and if Mr. Wallis and his friends did not feel themselves bound by "statute books" I can see no reason why they should find fault with you for exercising the same privilege.

The president of that meeting was Dr. A. C. Robinson. Among the vice-presidents I find the names of William G. Harrison, S. Teackle Wallis, Charles H. Pitts, T. Parkin Scott and J. Hanson Thomas.

Beside Mr. Wallis, Robert M. McLane, E. Louis Lowe and others addressed the meeting.

Very respectfully,

HENRY COLBURN, M. D.

DEPARTMENT OF STATE,
Washington, February 10, 1862.

Hon. REVERDY JOHNSON, *Annapolis, Md.*

SIR: Referring to your note of the 24th ultimo relative to the release of Mr. Thomas J. Claggett I have to state that since a certain class of Maryland prisoners have declined to take the oath of allegiance from a misapprehension that it binds them to render partisan support to the persons composing the Executive Department of the Government of the United States the inclosed oath* so modified as to render such a construction impossible has been prepared. This form of oath will be tendered to them and if they decline to take it they will be retained.

The case of Mr. Claggett is understood to be one of this class.

I have the honor to be, &c.,

WILLIAM H. SEWARD.

BALTIMORE, *February 11, 1862.*

Dr. Bernard Mills has been known to me for several years as an earnest and active member of the congregation of the Protestant Episcopal Church with which he worshiped until the present troubles. I had perfect confidence in his character as a Christian man. I know nothing of the cause of his imprisonment but am confident that he is incapable of making professions for the sake of release which he does not fully intend or may not be entirely relied on to fulfill to the uttermost.

W. R. WHITTINGHAM,
Bishop of the Protestant Episcopal Church in Maryland.

BALTIMORE, *February 12, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Among the political prisoners confined in Fort Warren is one Dr. Bernard Mills, a member of the late house of delegates of Maryland. The state of his domestic affairs, the entirely dependent and helpless condition of his family, his wife's delicate health and near accouchement make his presence at home for a time very desirable and urgent.

For these reasons, sir, the said Dr. Bernard Mills through me, his brother, respectfully begs you to grant him a release from his confinement for thirty days on his parole.

Understanding that Maj. Gen. John A. Dix, commanding this department, is at present in Washington I respectfully ask a reference of this matter as soon as may be convenient.

I have the honor to be, sir, very respectfully, your obedient and humble servant,

LEONARD J. MILLS.

[First indorsement.]

DEPARTMENT OF STATE,
Washington, February 13, 1862.

Respectfully referred by the Secretary of State to Major-General Dix, for his opinion with a request to return this letter.

E. D. WEBSTER.

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* Not found.

[Second indorsement.]

HEADQUARTERS, *Baltimore, February 14, 1862.*

It is respectfully recommended that Dr. Bernard Mills be discharged from arrest on taking the oath of allegiance.

JOHN A. DIX,
Major-General.

FORT WARREN, BOSTON HARBOR,
February 14, 1862.

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have the honor to report that Thomas J. Claggett declines taking the oath of allegiance. * * *

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Fort.

WAR DEPARTMENT,
Washington, February 20, 1862—12.27 p. m.

Major-General DIX, *Baltimore, Md.:*

Will you have the kindness to report by to-night's post the names of such of the Maryland prisoners as in your judgment may with safety be released under the recent order of this Department.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS,
Baltimore, February 20, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: In compliance with your telegraphic dispatch of this morning I recommend the discharge of the following persons confined for political reasons from custody "on subscribing a parole engaging them to render no aid or comfort to enemies in hostility to the United States," agreeably to your order of the 14th* instant: William H. Gatchell, John W. Davis, William G. Harrison, J. Hanson Thomas, Robert M. Denison, P. F. Rasin, William F. McKewen, Robert Renwick, Charles D. French, Thomas B. Giles, Joseph Bacon, S. B. Frost, Robert W. Rasin, George Armistead Appleton, R. C. Holland, Edward C. Cottrell, J. B. Swain, E. H. McCubbin, William Bross, J. S. Coleman, J. H. Weaver, J. R. Runnell, H. Stunz, P. O'Brien, J. Smith, A. Thompson and William Perry. It may be that some of these persons have already been discharged by order of the Secretary of State. It is supposed that there may be other Marylanders in custody at New York or Boston. The foregoing list embraces only persons who were confined at Fort McHenry and transferred to other places.

I deem it proper to add for your information the names of persons from Maryland who ought not in my judgment to be released at present: George P. Kane, marshal of police, under indictment; Charles Howard, president of board of police commissioners; Thomas C. Fitzpatrick, a recruiting officer for the insurgents; Richard Thomas (Zarvona, or the French lady), under indictment; Frank Key Howard,

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* February 21 Secretary Stanton ordered to be released from various prisons on the 22d a large number of political prisoners upon their engaging upon honor to render no aid or comfort to the enemies of the United States. See Volume II, this Series, "Treatment of Suspected and Disloyal Persons," for this order, and also the general order of the 14th. William G. Harrison, William H. Gatchell, and Henry M. Warfield declined this parole. See p. 748, this volume, for the unconditional release of the remaining Maryland political prisoners.—COMPILER.

editor of The Exchange; T. Parkin Scott, H. M. Warfield, S. Teackle Wallis, ex-members of the Legislature, influential and dangerous; Dr. S. Brown, ready to enter the service of the insurgents as a surgeon; R. H. Bigger, a recruiting officer for the insurgents; George Julius, now on temporary parole and very vindictive; A. W. Habersham, ready to enter the Confederate service; Benjamin T. Gunther, of the Eastern Shore of Virginia, dangerous; Robert Hull, recently confined by Secretary of State; George William Brown, mayor of Baltimore; if released he would resume his office. The incumbent is a loyal man and discharges the duty of mayor by virtue of his office as president of the first board of the common council. The Legislature of Maryland is about to pass a law requiring a mayoralty election in May. Mr. Brown will then be ousted and may be safely released.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

FORT WARREN, *February 22, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington.

SIR: As a member of the Legislature of Maryland I was taken from my dwelling at midnight of September 12 last by the military police in the city of Baltimore and have since been incarcerated in four several prisons and now nearly four months in this one of Fort Warren. I was told my arrest was by orders from Washington. I refuse to accept any release but an unconditional one because I will not seem even to acquiesce in an act which has violated one of the most sacred bonds of our Government, Article 4 of the amendments to the Constitution of the United States: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized."

I have been arrested in defiance of law, punished without charge of crime or trial or judgment of my peers and I will not sanction the insinuation which a parole affords that any charge has been made and proved warranting what has been done.

Very respectfully, your obedient servant,

WILLIAM G. HARRISON.

FORT WARREN, BOSTON HARBOR,
February 22, 1862.

Col. J. DIMICK, *Commanding, &c.*

SIR: I propose to claim your attention to the reasons why I cannot accept the parole that has been offered to me through you and by authority from Washington, and which I ask the favor of your transmitting to the Secretary of War in whose keeping it appears I now am.

About midnight of the 12th of September, 1861, a body of armed men by practicing deception obtained entrance into my house and without warrant or any other mode known to the law arrested me as I then understood upon a telegraphic dispatch from William H. Seward, Secretary of State. I submitted to that arrest only on account of the force brought against me.

Immediately upon surrendering myself my house from cellar to roof was taken possession of by armed men and I was forced to deliver up all my papers and keys then upon my person. Amongst the papers then given up was a letter containing money and which I have never heard as having reached its destination. The sanctity of my bedchamber was invaded by the armed servants who were doing the bidding of the Secretary of State. My private papers were taken possession of; doors and drawers of my furniture were broken open; every indignity heaped upon my home and its decencies. During the period of the outrageous proceedings thus enacted in my house my brother and my relatives were denied admission whilst I was on my way to Fort McHenry, and my wife [left] alone in the house without even being allowed the company of one of her servants.

After my arrival at Fort McHenry a prisoner and after midnight I was ushered into a room without even a chair to sit upon, the luxury of a bed being entirely out of the question. From Fort McHenry I was taken to Fortress Monroe where fresh indignities inexcusable even if meted out to a known convict were experienced by me. Denied the right of writing to my friends unless couched in such terms as suited the officer in command, I was still without being made acquainted with the charges upon which I had been kidnapped. After remaining at this post and being treated with no other consideration than if I had been a mere dog save being surrounded with the paraphernalia of soldiers with guns I was still without warrant or color of law sent by sea to Fort Lafayette and put in charge of other jailers, confined in apartments which are already described and truthfully by a remonstrance forwarded on 8th of October, 1861, and addressed to the President of the United States. Continually making ineffectual attempts to know for what cause I had been forced from my home and was suffering the indignities of my jailers orders came from where I know not to place me upon a transport, the steamer State of Maine, utterly unseaworthy to carry the living freight which was forced into her hold and upon her decks. I was then transferred and still without any known authority to Fort Warren, where I now am and still without any information as to the grounds upon which I was originally arrested. During my imprisonment I have supplied from my own means bed, bedding, food and all the necessaries of life, and I now enjoy any comfort whatever because you have not condescended to act the jailer toward me.

You ask me to accept a parole; to accept an amnesty from the President of the United States. For what? Is it to force me without color of law to acknowledge a partial criminality when no charges have been preferred against me—when merely a telegraphic dispatch has arrested me and deprived me of my liberty? The idea is one which I cannot for a moment entertain. I challenge a trial. I crave to suffer for crimes if I have been guilty of any. I ask for the constitutional rights which you and the Secretary of War have sworn to defend. Give me the means by which I may enjoy the right of the humblest citizen suspected of the highest crime known to the law and I will be satisfied.

It is proper for me to state here that at the time of my arrest I was then a member of the Legislature of Maryland ready to perform my duties under the oath prescribed by the State and faithfully.

Very respectfully,

HENRY M. WARFIELD.

FORT WARREN, *February 25, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have read your order of the 14th instant and therefore address you this letter.

In the fall of 1859 I was elected a member of the house of delegates of Maryland (my native State), from Frederick County, to serve for two years.

In consequence of the difficulties growing out of the election of President of the United States and the subsequent action of some of the Southern States a special meeting of the Legislature of Maryland to be held in April, 1861, was called by the governor and I attended as a member from my county.

The journal of the house will show my whole action there. I favored peace measures and I voted against a proposition for secession by the Legislature. I thought the Legislature had no authority to pass such an act. I have never to my knowledge done anything against the Constitution and laws of my country.

I was arrested in September last without any charge being made against me. I have been imprisoned ever since and I do not yet know what is charged against me. Under these circumstances I think I have a right to ask an unconditional release that I may return to my family and my farm in Frederick County. I confidently refer to the member of Congress from my district—Hon. Francis Thomas—for my character.

I am, yours, respectfully,

THOS. J. CLAGGETT.

ROUSE'S POINT, *March 6, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

DEAR SIR: I inclose a letter* from "C. M.," but in truth from John C. Brune, a rebel member of the Maryland Legislature, and since he has been in Montreal has shown himself as unscrupulous in his secessionism as any there. If it be a fact as he represents that the order for his arrest has been recalled I am confident misrepresentations have been made to the Department. For knowing as much as I do of him I am certain his entire sympathies are with the rebels.

Most respectfully, your obedient servant,

H. DUNN.

P. S.—I think Mr. Underwood has some evidence of his disloyalty.

WOODLIE, WASHINGTON COUNTY, MD.,
March 12, 1862.

General DIX.

DEAR SIR: It is said that General Washington listened to the suggestions of his subalterns; that Doctor Rush inquired into the opinions of the nurses before forming opinions. I therefore hope you will

* Not found.

excuse me for taxing your attention as to Mr. Thomas J. Claggett, an ex-member of the Legislature now a prisoner at Fort Warren.

How is a State prisoner to make his escape? The suspension of the habeas corpus deprives him of all legal remedy. He can have no hearing. Whether innocent or guilty he is a prisoner. We know not when he may have a hearing.

Festus said "it seemeth to me unreasonable to send a prisoner and not withal to signify the charges laid against him." Mr. Claggett was arrested on the 16th of September, six months ago less a few days. He has seen no charge against him; he has seen no witnesses. He and his friends have made an effort to find out his accusers and the charges against him in vain. I wrote to Governor Hicks, to our senator, Firey, to the honorable Messrs. Calvert and Thomas, members of Congress, to Mr. Reverdy Johnson, U. S. Senator-elect, without hearing a syllable against him in the way of charge. Mr. Claggett took the oath of allegiance to the Government which he says in a letter to me dated March 6, 1862, "I have not violated or intended to violate." I married his sister, and as his connection believe that no charge of treason or complicity with traitors can be sustained against him. If the courts were open he would seek relief through them. We therefore are compelled to trouble you as one of the committee to inquire into the case.

Mr. Claggett is in no sense a politician. He has been accustomed to vote but not to participate actively in politics. He was never associated personally or politically with ex-Governor Lowe. Nicholas Claggett, his progenitor, was bishop of Exeter in the time of George II. His grandfather was first bishop of Maryland, and although ordained at Lambeth Palace by the Archbishop of Canterbury, who administered to him the oath of allegiance to the British Government, and although he was suspected of disloyalty in our revolutionary struggle yet he was chaplain to our First Congress where he had the respect and confidence of all good men. It is supposed that he was the means of bringing the Reverend Doctor Lyall into the church.

Mr. Claggett has been for many years a vestryman and a Sunday school teacher. He is fond of children and agriculture. He is fond of home and rural life. He has no taste for intrigues, no desire for political distinction, no thirst for political power. He is a quiet, peaceable man.

Colonels Meredith and Irwin told me last June that the accused were often better than the accusers; so of General Patterson who commanded the Martinsburg expedition last June. I believe that Mr. Claggett has been falsely accused; that he is innocent of all effort to injure the Government by word or deed; that his arrest is ascribable to misrepresentation.

Will you please let me know what charges have been alleged against Mr. Claggett and let him free? I am satisfied if you investigate his case you will find him to be an innocent sufferer from the falsehood and misrepresentation which may have emanated from misunderstanding of some of our citizens. There were people in Maryland who would have coerced our State into secession. Mr. Claggett was not one of them.

Very respectfully, your obedient servant,

THOMAS MADDOX.

TRAPPE, TALBOT COUNTY, MD., *March 20, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have been awaiting for some time with no little degree of concern the release of the members of the late General Assembly of Maryland from Fort Warren. I was one of the members of that body and whatever may have been their real or imagined offense against the Government I feel myself bound in honor to confess that my guilt was the same with theirs both in degree and kind. Neither can I reconcile it with my own ideas of the duty which I owe both to myself and them to witness their confinement without sharing their sufferings with them.

Being engaged at the city of Annapolis in the performance of the duties of a legislative committee at the time of the reassembling of the Legislature in September last accounts for my absence from the city of Frederick then and perhaps for my enjoyment of my liberty now.

Please communicate with me at your earliest convenience and I will surrender myself to Colonel Dimick at Fort Warren at any time you may name unless my case be otherwise disposed of.

I shall regard this as my parole of honor for the performance of what I have hereby engaged to do and shall remain at this place until your communication reaches me.

I am, very respectfully, yours, &c.,

A. CHAPLAIN.

FORT WARREN, MASS., *March 20, 1862.*

Hon. HENRY MAY.

DEAR SIR: As the health of my wife has become so extremely delicate and the period of her accouchement is daily expected (which with her is a period of extreme danger) added to the mental anguish which she endures in consequence of my long incarceration compels me to ask of you the following favor. It is this that you go immediately and see the Secretary of War and state my case and ask for my discharge. If he is not willing to give me an unconditional release give me a parole until my wife is better of her illness. I can report to General Dix at Baltimore, or I will return here if necessary.

He surely will not refuse me this when he remembers that I have been incarcerated now over six months for no other offense than being by accident a member of the Maryland house of delegates. I would not ask this but that I have been patiently waiting for more than a month from day to day for my discharge and yet it has not come. Others similarly situated, *i. e.*, members of the Legislature, have been discharged upon parole from time to time. Had I violated any law or done any act hostile to the administration there would be some excuse for my detention.

I beg of you to see Mr. Stanton without delay and urge upon him my release in order that I may return to my afflicted family, for a few days' delay may be productive of results I fear to think of. Your friends are all well here.

Yours, in haste,

B. MILLS.

FORT WARREN, BOSTON HARBOR,
March 27, 1862.

Hon. CHARLES B. CALVERT, *Washington, D. C.*

DEAR SIR: I was arrested more than six months ago by order of the United States Government I believe and have been held a prisoner in Government forts ever since. As you are the Representative of the Congressional district to which I belong I ask the favor of you to be informed of the cause of my arrest and detention and what charges if any there are against me, and to aid me in having my case brought before the proper tribunals to be disposed of. Permit me here to say that I don't believe there is a single imputation against me. Therefore this is the more oppressive.

Hoping that I may hear from you soon, I remain,
Your obedient servant,

CLARKE J. DURANT.

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
Washington, March 29, 1862.

Col. JUSTIN DIMICK, *Fort Warren, Boston Harbor.*

SIR: You may release Josiah H. Gordon, E. G. Kilbourn, J. L. Jones, T. J. Claggett, C. J. Durant, B. Mills, * * * upon their giving their written paroles to render no aid or comfort to the enemies in hostility to the Government of the United States. Please make report of your proceedings under the above order to Mr. E. D. Webster, secretary of the commission at Washington.

Very respectfully, yours,

J. A. DIX, *Major-General.*
EDWARDS PIERREPONT,
Commissioners.

FORT WARREN, *April 2, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I am a citizen of Maryland, a State which still forms part of the United States within which the judicial power exists in full vigor and over which the Constitution and laws of the Union have never failed to be promptly and effectively executed by the civil authorities except so far as they have been interfered with and obstructed by the military power of the United States under the direction of the President. I was elected to the house of delegates of my State from Allegany County in 1859 for a term which expired in November last, and qualified as such in the usual manner. While on my way to the seat of government of the State in obedience to an order of the General Assembly for the purpose of attending to the duties assigned me as a member of one of its committees charged to inquire into the condition of the State library I was arrested by two officers in the military service of the United States on the 30th day of August last without warrant or other authority except that which they claimed to exercise as lieutenants in the Third Regiment of Pennsylvania Volunteers, and

with no evidence to justify the act except the following paragraph found in the Baltimore American of that morning to which my attention was called by them for the first time:

ARREST OF MARYLAND SECESSIONISTS.

The Boonsborough Odd Fellow says that on Tuesday night Daniel Deckart, editor of the Hagerstown Mail, was seized by agents of the General Government and sent to Fort McHenry. General McKaig, of Allegany County, and two others whose names we have not heard were also taken in charge. They are in hot pursuit also of Mr. Gordon, of the same county.

I was taken by them to Washington City where my person and baggage were subjected to a most rigid search which lasted about two hours and in the course of which my clothing was stripped from my person and closely examined, and all my private papers and letters including those from my wife were read from beginning to end and offensive comments made upon them in my presence, and some of them taken from me and have not yet been returned. Finding nothing upon my person or among my baggage to justify my detention and no witness appearing to show probable grounds of suspicion I supposed that I would be released without delay. In that, however, I was disappointed. Instead of an honorable discharge and such atonement for the outrage already committed upon me as I had a right to expect I was confined in one of the political prisons of that city for six days, closely guarded by armed soldiers and refused the privilege of changing my soiled clothes in which I had been traveling for four days previously.

While thus detained I made daily inquiry of the officers in command as to the cause of my arrest and detention and through them as far as possible demanded to be informed of any accusation that might be against me and an opportunity to have an investigation of the same. This privilege, however, was refused, and to the present time I have no knowledge of the cause of my arrest and detention except so far as I have already stated.

On the fifth day of my imprisonment I was informed that I could be released if I would take an oath binding myself among other things to support the Constitution and Government of the United States against all enemies whether domestic or foreign and that I would bear true faith and allegiance to the same, any ordinance, resolution or law of any State convention or Legislature to the contrary notwithstanding. Knowing that I had done no act that would not bear the most rigid legal scrutiny and that my arrest and detention were wholly unlawful I refused to submit to the additional outrage or to bind myself to support a government outside of the Constitution. On the next day I was told that informal charges had been made against me in which my loyalty to the Constitution and laws of the United States had been called in question but that I could not have a hearing or be confronted with my accusers. I was also told that I could be released if I would take an oath that I would support the Constitution and laws of the United States and that I would not take up arms against them or give aid or assistance to their enemies. This I regarded as another attempt to degrade me by imposing unlawful conditions upon my discharge, but as there was nothing in it that required me to do any act in violation of my duty to my country or exacting anything from me that I did not intend most strictly to observe I submitted to the wrong and thereby obtained my discharge supposing that I would not again be molested so long as I kept that oath inviolate.

In this I was again disappointed, and although every part of that obligation was strictly observed on my part the authorities at Washington were not so scrupulous in observing their part of the undertaking and I was again arrested on the 17th of September, at Frederick, and from that time to the present I have been in close confinement as a political prisoner outside of the limits of my State and the jurisdiction of the courts having cognizance of any charge that could have been made against me. I deem it unnecessary to detail to you the many privations, hardships and sufferings that I have borne in my own person, or those which have been inflicted upon a helpless family during this long imprisonment which has deprived them of their protector and exposed them to outrages and insults of the most disgraceful character.

By Executive Order No. 2, bearing date the 27th of February, 1862, and signed by you as published in the newspapers I observe that General John A. Dix and Hon. Edwards Pierrepont were appointed "to examine the cases of the State prisoners remaining in the military custody of the United States, and to determine whether in view of the public safety and the existing rebellion they should be discharged or remain in military custody, or be remitted to the civil tribunals for trial," and I understand from the published account of their proceedings that they have entered upon and made some progress in the duty thus assigned to them. Without further notice that my case had been submitted to them or that they had it under consideration or the nature of the charges or whether any existed against me I was summoned to the quarters of Col. Justin Dimick to-day and by him shown an order signed by General Dix and Mr. Pierrepont directing him to release me upon giving a parole of honor to be signed by me pledging myself to "render no aid or comfort to the enemies in hostility to the Government of the United States."

This parole I refuse tc give for the following reasons: The obligation given by me on the 5th of September last and which I most strictly observe was not regarded by the authorities at Washington as having any mutuality but has been entirely disregarded by them, so that I have no security that any other pledge would be respected more than the former was or that the utmost good faith in its observance by me would protect me from another unlawful seizure before I could reach my home. The term Government as used in the parole is unauthorized by the Constitution or by any act of Congress passed prior to the late extra session that I am aware of, consequently of doubtful signification and may be construed into a pledge that I will give no aid or comfort to any person in any of the States still adhering to the Union who may differ with the present administration as to the proper limits of its power, the mode of supporting and carrying on the war or the terms upon which it shall be closed.

My arrest was calculated to throw a cloud of suspicion over my character and the numerous publications made in the newspapers reflecting on myself and the political prisoners generally which I was not permitted to correct or contradict have increased that suspicion and no doubt left the impression upon the minds of many persons that I had committed some grave offense against the laws of my country which rendered me unfit for the society of my fellow-men and justified this severe and unusual treatment; and now that the agents appointed by the President for that purpose after full examination "ex parte and in a summary manner" of all the evidence and charges against me have determined that there is nothing to justify them in "remitting me to the

civil tribunals for trial" or in retaining me "in military custody" and that I am entitled to "be discharged," it is due to my own self-respect as well as to the character for integrity and obedience to the laws of my country which I have endeavored to establish that I should insist on an unconditional discharge and submit to no terms which could warrant an unfavorable interpretation or justify any conclusion against my character. It is also due to my countrymen everywhere that I should not permit a precedent so unusual and unauthorized to be established in my case as that of arresting a citizen without warrant or probable cause, detaining him for months without a hearing and finally when an examination is made and the arrest and detention appears to be wholly unlawful and without cause to tell him it is all a mistake; that he is guilty of no offense; that there is no grounds even for submitting his cause to the consideration of a grand jury and that the present condition of the country even does not require his detention "in military custody," but that the wrong will continue unless he will degrade himself by promising in writing over his own signature that he will not commit treason against his country, which is the greatest of all criminal offenses.

The Executive Department owes it to itself and to the country to deal fairly with me, and now that investigation has been made and the finding is that I should be discharged justice to all parties concerned requires that I should be restored to my family without further injury to my character. Besides the oath taken by me in September is more comprehensive than the parole now proposed, and if I could not be trusted upon my oath I can give no parole of honor to those who reject my oath.

I address this to you because I understand that General Dix and Mr. Pierrepont have closed their duty and because I think they have not fully understood my case and for the further reason that I think it proper to bring the facts of my case to your special attention inasmuch as most of them occurred before you came into office.

Hoping that you may agree with me in this view, I remain, yours, &c.,

J. H. GORDON.

P. S.—I hope you will do me the favor to have the papers which were taken from me at Washington in August last returned to me. They can be of no importance to any one but myself and are valuable to me only as private letters and papers.

Yours, &c.,

J. H. GORDON.

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
Boston, May 7, 1862.

* * * * * * *

William G. Harrison was brought in and stated that he had once declined to give his parole to render no aid or comfort to the enemies in hostility to the Government of the United States. He did so still and was recommitted.

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
Boston, May 7, 1862.

H. M. Warfield was brought in and examined. He stated that he had been tendered his release upon his parole which he declined. He does so still. Recommitted.

OFFICE OF THE COMMISSION
RELATING TO STATE PRISONERS,
Boston, May 7, 1862.

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: The following persons having complied with the conditions required by the commission you will please discharge them, viz, J. H. Gordon. * * * You will at the same time return to each of them any property in your possession belonging to them.

Very respectfully, yours,

E. D. WEBSTER.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., November 26, 1862.

Col. J. DIMICK, U. S. Army,
Fort Warren, Boston, Mass.:

The Secretary of War directs that you release all the Maryland State prisoners,* also any other State prisoners that may be in your custody, and report names to this office.

E. D. TOWNSEND,
Assistant Adjutant-General.

FORT WARREN, BOSTON HARBOR, *November 27, 1862.*

General L. THOMAS,
Adjutant-General, Washington, D. C.

SIR: I have the honor to report that I have this day released the following-named prisoners in obedience to telegram 26th instant, viz: George P. Kane, George William Brown, Charles Howard, Frank K. Howard, Henry M. Warfield, William G. Harrison, Robert Hull, S. Teackle Wallis, Charles Macgill, William Gatchell, Thomas W. Hall, T. Parkin Scott, William H. Winder, B. L. Cutter.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

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* See pp. 613, 614 for a previous order releasing a number of the Maryland prisoners, including several members of the Legislature.

MILITARY TREATMENT OF CAPTURED AND FUGITIVE SLAVES.

SUMMARY OF PRINCIPAL EVENTS.

Mar. 18, 1861.—Lieut. Adam J. Slemmer, U. S. Army, commanding at Fort Pickens, Fla., returns four fugitive slaves to their masters.

Apr. 23, 1861.—Brig. Gen. Benjamin F. Butler, U. S. Army, offers to use U. S. troops in co-operation with the Governor of Maryland to repress an apprehended slave insurrection.

May 24, 1861.—Maj. Gen. Benjamin F. Butler, U. S. Army, from Fort Monroe announces to the General-in-Chief his determination to employ fugitive slaves of disloyal owners.

30, 1861.—Hon. Simon Cameron, Secretary of War, directs Maj. Gen. Benjamin F. Butler, U. S. Army, not to surrender fugitive slaves to disloyal owners.

June 22, 1861.—Col. Harvey Brown, U. S. Army, commanding Fort Pickens, Fla., reports to the War Department that he will not return fugitive slaves to their masters unless otherwise ordered.

July 9, 1861.—The House of Representatives resolves that it is not the duty of Union soldiers to capture and return fugitive slaves.

Aug. 30, 1861.—Maj. Gen. John C. Frémont, U. S. Army, proclaims martial law in Missouri and his purpose to confiscate the property and liberate the slaves of disloyal owners.

Sept. 11, 1861.—President Lincoln issues an order modifying the proclamation of General Frémont to conform to act of Congress.

12, 1861.—Maj. Gen. John C. Frémont, U. S. Army, issues deeds of manumission to two slaves of a disloyal owner.

Oct. 14, 1861.—Hon. Simon Cameron, Secretary of War, authorizes Brig. Gen. Thomas W. Sherman, U. S. Army, commanding at Port Royal, S. C., to organize and arm, if necessary, squads of fugitive and captured slaves.

Nov. 4, 1861.—Maj. Gen. John A. Dix, U. S. Army, directs that negroes be not allowed to come within certain military lines in Maryland.

7, 1861.—Maj. Gen. George B. McClellan, U. S. Army, in a letter of instructions counsels Brig. Gen. Don Carlos Buell, U. S. Army, appointed to the command in Kentucky, to respect the constitutional rights of Kentuckians in their slave property.

8, 1861.—Brig. Gen. William T. Sherman, U. S. Army, commanding Department of the Cumberland, expresses the opinion that fugitive slaves must be delivered up on application of their masters in conformity to the laws of Kentucky.

20, 1861.—Maj. Gen. Henry W. Halleck, U. S. Army, issues General Orders, No. 3, excluding fugitive slaves from the military camps in the Department of the Missouri.

Dec. 25, 1861.—Brig. Gen. Ulysses S. Grant, U. S. Army, commanding District of Southeast Missouri, orders fugitive slaves to be expelled from Fort Holt, Ky.

Mar. 13, 1862.—Additional Article of War approved forbidding officers and soldiers of the U. S. Army from aiding in the capture and return of fugitive slaves to disloyal owners.

May 9, 1862.—Maj. Gen. David Hunter, U. S. Army, proclaims martial law in Georgia, Florida and South Carolina, and declares all slaves free.

19, 1862.—President Lincoln modifies Major-General Hunter's proclamation freeing the slaves in his military department.

Miscellaneous Records Relating to the Negro in the Early Stage of the Rebellion.

FORT PICKENS, FLA., *March 18, 1861.*

Lieut. Col. L. THOMAS,
Assistant Adjutant-General, U. S. Army.

SIR: I have the honor to report that since my last report nothing has happened to disturb the peaceable relations existing between the U. S. forces and those opposing us.

* * * * * * *

On the morning of the 12th instant four negroes (runaways) came to the fort entertaining the idea that we were placed here to protect them and grant them their freedom. I did what I could to teach them the contrary. In the afternoon I took them to Pensacola and delivered them to the city marshal to be returned to their owners. That same night four more made their appearance. They were also turned over to the authorities next morning.

* * * * * * *

I am, sir, very respectfully, your obedient servant,
A. J. SLEMMER,
First Lieutenant, First Artillery, Commanding.

HDQRS. THIRD BRIGADE, MASSACHUSETTS VOL. MILITIA,
Annapolis, Md., April 23, 1861.

His Excellency THOMAS H. HICKS,
Governor of the State of Maryland:

* * * * * * *

I have understood within the last hour that some apprehensions were entertained of an insurrection of the negro population of this neighborhood. I am anxious to convince all classes of persons that the forces under my command are not here in any way to interfere with or countenance any interference with the laws of the State. I am therefore ready to co-operate with your excellency in suppressing most promptly and effectively any insurrection against the laws of Maryland.

* * * * * * *

And I have the honor to be your excellency's obedient servant,
B. F. BUTLER,
General of the Third Brigade.

SAINT LOUIS, MO., *May 14, 1861.*

Brig. Gen. W. S. HARNEY,
Commanding Military Department of the West.

SIR: * * * Last evening a gentleman of the highest respectability and intelligence from Greene County, Mo., asked me whether I supposed it was the intention of the United States Government to interfere with the institution of negro slavery in Missouri or any slave State or impair the security of that description of property. Of course my answer was most unqualifiedly and almost indignantly in the negative. I told him that I had no means of forming an opinion which was not open to every other private citizen but that I felt certain that the force of the United States would if necessary be diverted for the protection of this as well as any other kind of property. Will you be good enough to spare from your engrossing military duties so much time as may be required to say whether I answered correctly?

I have the honor to be, with the highest respect, your most obedient servant,

THOMAS T. GANTT.

SAINT LOUIS, MO., *May 14, 1861.*

THOMAS T. GANTT, Esq., *Saint Louis, Mo.*

SIR: I have just received your note of this date inquiring whether in my opinion you were correct in replying to a citizen of Southwestern Missouri as to the purpose of the United States Government respecting the protection of negro property. I must premise by saying that I have no special instructions on this head from the War Department but I should as soon expect to hear that the orders of the Government were directed toward the overthrow of any other kind of property as of this in negro slaves.

I entertain no doubt whatever that you answered the question you mentioned correctly. I should certainly have answered it in the same manner, and I think with the very feelings you describe. I am not a little astonished that such a question could be seriously put. Already since the commencement of these unhappy disturbances slaves have escaped from their owners and have sought refuge in the camps of U. S. troops from Northern States and commanded by a Northern general. They were carefully sent back to their owners. An insurrection of slaves was reported to have taken place in Maryland. A Northern general offered to the executive of that State the aid of Northern troops under his own command to suppress it. Incendiaries have asked of the President permission to invade the Southern States and have been warned that any attempt to do this will be punished as a crime I repeat it I have no special means of knowledge on this subject but what I have cited, and my general acquaintance with the statesmanlike views of the President makes me confident in expressing the opinion above given.

I am, very respectfully, your obedient servant,

W. S. HARNEY,
Brig. Gen., Comdg. Military Department of the West.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, May 24, 1861.

Lieut. Gen. WINFIELD SCOTT:

* * * * * * *

Saturday, May 25.—I had written thus far when I was called away to meet Major Cary, of the active Virginia volunteers, upon questions which have arisen of very considerable importance both in a military and political aspect and which I beg leave to submit herewith.

On Thursday night three negroes, field hands belonging to Col. Charles K. Mallory now in command of the secession forces in this district, delivered themselves up to my picket guard and as I learned from the report of the officer of the guard in the morning had been detained by him. I immediately gave personal attention to the matter and found satisfactory evidence that these men were about to be taken to Carolina for the purpose of aiding the secession forces there; that two of them left wives and children (one a free woman) here; that the other had left his master from fear that he would be called upon to take part in the rebel armies. Satisfied of these facts from cautious examination of each of the negroes apart from the others I determined for the present and until better advised as these men were very serviceable and I had great need of labor in my quartermaster's department to avail myself of their services, and that I would send a receipt to Colonel Mallory that I had so taken them as I would for any other property of a private citizen which the exigencies of the service seemed to require to be taken by me, and especially property that was designed, adapted and about to be used against the United States.

As this is but an individual instance in a course of policy which may be required to be pursued with regard to this species of property I have detailed to the lieutenant-general this case and ask his direction. I am credibly informed that the negroes in this neighborhood are now being employed in the erection of batteries and other works by the rebels which it would be nearly or quite impossible to construct without their labor. Shall they be allowed the use of this property against the United States and we not be allowed its use in aid of the United States?

* * * * * * *

Major Cary demanded to know with regard to the negroes what course I intended to pursue. I answered him substantially as I have written above when he desired to know if I did not feel myself bound by my constitutional obligations to deliver up fugitives under the fugitive-slave act. To this I replied that the fugitive-slave act did not affect a foreign country which Virginia claimed to be and that she must reckon it one of the infelicities of her position that in so far at least she was taken at her word; that in Maryland, a loyal State, fugitives from service had been returned, and that even now although so much pressed by my necessities for the use of these men of Colonel Mallory's yet if their master would come to the fort and take the oath of allegiance to the Constitution of the United States I would deliver the men up to him and endeavor to hire their services of him if he desired to part with them. To this Major Cary responded that Colonel Mallory was absent.

* * * * * * *

Trusting that these dispositions and movements will meet the approval of the lieutenant-general and begging pardon for the detailed length of this dispatch, I have the honor to be, most respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

MAY 24, 1861—7.15 p. m.

[Col. J. B. MAGRUDER.]

SIR: I regret to inform you that Lieutenant-Colonel Ewell was taken prisoner at Fort Monroe; under what plea I have not been able to understand. I had requested an interview with Major-General Butler (now in command) this morning which was granted at 3.30 p. m. My main object was to ascertain how far he intended to take possession of Virginia soil in order that I might act in such a manner as to avoid collision between our scouts. I could only gather from him that it was "a military necessity" for him to occupy our land for an encampment and that he could only say that if he was not interfered with by bodies of armed troops he would molest no one. He indicated his determination to take possession of anything which he might deem necessary for his use. In accordance with these principles he has taken three of Colonel Mallory's negroes which he has refused to give up on application. I dispatched to Colonel Ewell a detailed account of a reconnaissance which they made on yesterday to this place.

* * * * * * *

I have the honor to remain, very respectfully, your obedient servant,

J. B. CARY,
Major Artillery, Virginia Volunteers.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Cincinnati, May 26, 1861.

TO THE UNION MEN OF WESTERN VIRGINIA.

VIRGINIANS: * * * I have ordered troops to cross the river. They come as your friends and brothers—as enemies only to the armed rebels who are preying upon you. Your homes, your families and your property are safe under our protection. All your rights shall be religiously respected.

Notwithstanding all that has been said by the traitors to induce you to believe that our advent among you will be signalized by interference with your slaves understand one thing clearly—not only will we abstain from all such interference but we will on the contrary with an iron hand crush any attempt at insurrection on their part.

* * * * * * *

GEO. B. McCLELLAN,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Cincinnati, May 26, 1861.

Col. B. F. KELLEY,
First Regiment Virginia Volunteers, Wheeling:

* * * * * * *

I count on your prudence and courage. Preserve the strictest discipline. See that the rights and property of the people are respected and repress all attempts at negro insurrection.*

GEO. B. McCLELLAN,
Major-General, U. S. Army, Commanding Department.

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* For precisely same instructions to Colonels Irvine and Steedman, see Series I, Vol. II, p. 47.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
FORT MONROE, *May 27, 1861.*

Lieutenant-General SCOTT.

SIR: * * * Since I wrote my last dispatch* the question in regard to slave property is becoming one of very serious magnitude. The inhabitants of Virginia are using their negroes in the batteries and are preparing to send the women and children south. The escapes from them are very numerous and a squad has come in this morning to my pickets bringing their women and children. Of course these cannot be dealt with upon the theory on which I designed to treat the services of able-bodied men and women who might come within my lines, and of which I gave you a detailed account in my last dispatch. I am in the utmost doubt what to do with this species of property. Up to this time I have had come within my lines men and women with their children, entire families, each family belonging to the same owner. I have therefore determined to employ as I can do very profitably the able-bodied persons in the party, issuing proper food for the support of all and charging against their services the expense of care and sustenance of the non-laborers, keeping a strict and accurate account as well of the services as of the expenditure, having the worth of the services and the cost of the expenditure determined by a board of survey to be hereafter detailed. I know of no other manner in which to dispose of this subject and the questions connected therewith. As a matter of property to the insurgents it will be of very great moment, the number that I now have amounting as I am informed to what in good times would be of the value of $60,000. Twelve of these negroes I am informed have escaped from the batteries on Sewall's Point which this morning fired upon my expedition as it passed by out of range. As a means of offense therefore in the enemy's hands these negroes when able-bodied are of the last importance. Without them the batteries could not have been erected, at least for many weeks. As a military question it would seem to be a measure of necessity to deprive their masters of their services. How can this be done? As a political question and a question of humanity can I receive the services of a father and mother and not take the children? Of the humanitarian aspect I have no doubt; of the political one I have no right to judge.

* * * * * * *

Very respectfully, your obedient servant,

B. F. BUTLER.

WASHINGTON, *May 30, 1861.*

Major-General BUTLER.

SIR: Your action in respect to the negroes who came in your lines from the service of the rebels is approved.

The Department is sensible of the embarrassment which must surround officers conducting military operations in a State by the laws of which slavery is sanctioned. The Government cannot recognize the rejection by any State of its federal obligations nor can it refuse the performance of the federal obligations resting upon itself. Among these federal obligations, however, none can be more important than that of suppressing and dispersing armed combinations formed for the purpose of overthrowing its whole constitutional authority. While

* See Butler to Scott, May 24, p. 752.

therefore you will permit no interference by the persons under your command with the relations of persons held to service under the laws of any State you will on the other hand so long as any State within which your military operations are conducted is under the control of such armed combinations refrain from surrendering to alleged masters any persons who may come within your lines. You will employ such persons in the service to which they may be best adapted, keeping an account of the labor by them performed, of the value of it and of the expense of their maintenance. The question of their final disposition will be reserved for future determination.

SIMON CAMERON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF FLORIDA,
Fort Pickens, June 22, 1861.

Lieut. Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

COLONEL: * * * I shall not send the negroes back as I will never be voluntarily instrumental in returning a poor wretch to slavery but will hold them subject to orders.

* * * * * * *

I am, colonel, very respectfully, your obedient servant,
HARVEY BROWN,
Colonel, Commanding.

HEADQUARTERS SCHENCK'S BRIGADE,
Camp Upton, Va., July 6, 1861.

Capt. JAMES B. FRY,
Assistant Adjutant-General, Headquarters Arlington.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant with letters of Mrs. Caroline F. Noland and John G. England, referred from the headquarters of the Army, in relation to two slaves belonging to persons in Rockville, Md., which slaves are claimed to be in this camp. I am requested to give my attention to the matter of these slaves and if they are within the limits of my command to have them returned to their owners when demanded. And I am also reminded that the case of one of them was referred to me some days since when as would appear from one of the accompanying letters the order of the general commanding was not executed in consequence of the interference of some of the soldiers. I return now all the letters on the subject and have to make in reply this statement:

When the negroes are alleged to have taken refuge or been first seen within the limits of the First or Second Ohio Regiments I was not in command. That is understood to relate to a time when the troops were encamped within the Department of Washington. Afterward on the day when certain parties appeared in this camp with the letter of Assistant Adjutant-General Townsend of the 25th of June, referred to me from headquarters, I happened to be temporarily absent. Colonel McCook, of the First Ohio Regiment, the senior officer present, gave his immediate attention to the matter; and I refer to the inclosed statements from himself and Lieutenant-Colonel Parrott* to show that there was no such evasion of or refusal to execute the order of the

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* Not found.

general commanding as is pretended by the persons who came in quest of the slaves. Besides what appears from the reports of those two officers I have made strict inquiry and do not ascertain nor believe that persons seeking the negroes "were harshly dealt with" by any officers or men of my command, that "the object of their visit was denied" or that they "were abused and threatened in person" as they allege. On the contrary if there was anything offensive in the conduct or condition of any of the parties concerned it appears to have been only on the part of a drunken policeman or slave-catcher who attended Mr. Noland on his first visit to the troops when at Camp Sherman on the other side of the river.

The officers and men from these two regiments from Ohio are naturally somewhat excited and indignant at the imputation that they have been "practicing on the abolition system of protecting runaway negroes." This camp will not be permitted while I have command to be made a harbor for escaping fugitives, but persons owing labor or service to loyal citizens of loyal States if they resort to us shall always be surrendered when demanded on proper order or authority by the lawful owner or his representatives. I will add that in the particular instance in question I cannot find any negro answering to the name or description of either of the slaves claimed and I do not believe that either of them is in the camp or concealed by the troops. If the owners or their agents should come again with evidence of their rights every facility and assistance will be afforded them to reclaim and secure their property.

I am, very respectfully, your obedient servant,

ROBT. C. SCHENCK,
Brigadier-General.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF NORTHEAST VIRGINIA,
Arlington, July 7, 1861.

Respectfully forwarded to the Headquarters of the Army.

An officer of the army will be sent to General Schenck's camp with the owners of the slaves whenever it is desired to make further search for them.

IRVIN McDOWELL,
Brigadier-General, Commanding Department.

[Inclosure No. 1.]

HEADQUARTERS SCHENCK'S BRIGADE,
Camp Upton, Va., July 6, 1861.

Brigadier-General SCHENCK.

GENERAL: I have the honor to report the following facts in reply to your question touching the claim of Mrs. Caroline F. Noland to a slave said to be either with the First or Second Regiments Ohio Volunteer Militia. Some time about the 20th of June last, I have forgotten the precise date, two gentlemen purporting to be from Maryland called on me at Camp Upton and claimed to be the authorized agent for I believe Mrs. Noland, the owner of a negro said to be in our camp. I told them that if such was the case I was satisfied General Schenck would immediately restore the slave to the owner. But I added that to do this properly it was necessary to bring him evidence of their agency and the fact that Mrs. Noland was the owner of the slave

claimed. The gentlemen admitted that this would be the proper course and said on leaving that they would return in a few days with the proofs asked for. There was no ill feeling or harsh conduct on either side. I was therefore much astonished the next day on finding the same gentlemen in Camp Upton not with the proofs asked for but a letter evidently based upon their statements in which a grave charge was preferred against the men and officers of our Ohio regiments. This of course created some little excitement but none looking to a concealment of the slave if any such was in camp. On the contrary Colonel McCook who was then in command during your temporary absence gave those men every facility they could desire. Under his order they searched the camp and returned after a time saying that they could not find the negro. This is all that I know of, sir, in connection with this case and you will perceive from the facts that the charge preferred that your officers or men in any way harbored a slave or ill-treated his master is unfounded.

I have the honor to be, sir, your most obedient servant,

DONN PIATT,
Assistant Adjutant-General.

[Inclosure No. 2.]

ROCKVILLE, MONTGOMERY COUNTY, MD.,
June 27, 1861.

Lieutenant-General SCOTT.

DEAR SIR: I learned through a reliable source that my servant named George was in the Ohio regiments, number One and Two, camped in Virginia. My son made application to the Hon. Simon Cameron, Secretary of War, for authority to examine into the fact and for his obtension which was politely complied with by that functionary, which authority was received and seemingly accredited by the officers commanding said department which resulted in my son seeing my servant, but by the interference of the soldiery which seemed to be without control they were not permitted to reclaim said negro. I therefore have thought it advisable to submit the matter to you as commander-in-chief of the army to suggest and adopt such course in the premises as may enable me to reclaim my property.

Respectfully,

CAROLINE F. NOLAND.

[Inclosure No. 3.]

HEADQUARTERS OF THE ARMY,
June 25, 1861.

General MCDOWELL,
Commanding, &c., Arlington, Va.

GENERAL: Sergeant Noland who will hand you this is a messenger in the War Department. Please aid him in recovering the negro belonging to his mother (or brother who goes with him). The negro is with some of the Ohio troops and from Mr. Noland's account they have been practicing a little of the abolition system in protecting the runaway.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF NORTHEAST VIRGINIA,
Arlington, June 26, 1861.

Brigadier-General Schenck will please have this matter investigated and return the negro to his owner.

By order of General McDowell:

JAMES B. FRY,
Assistant Adjutant-General.

[Inclosure No. 4.]

CAMP UPTON, VA., *July 5, 1861.*

Capt. DONN PIATT,
Asst. Adjt. Gen., Schenck's Brigade, Camp Upton, Va.

CAPTAIN: I have the honor to acknowledge receipt of the letters from the Headquarters of the Army relative to a runaway negro from Montgomery County, Md., purporting to belong to Mrs. Caroline Noland, of said county. Mrs. Noland says "by the interference of soldiers which seemed without control they (my sons) were not permitted to reclaim my negro." This piece of information as she was not here herself of course she obtained from her sons. It is absolutely and unqualifiedly false. The officer of the day was sent through camp with the Messrs. Noland. No violence was offered them nor threats uttered save by myself which will be explained further on. The Messrs. Noland were especially taken through the company quarters where one of them thought he had seen the negro in question the day before and then were returned to headquarters and expressed themselves satisfied that their negro was not in my camp. I then sent them with the officer of the day to the camp of the Second Ohio when a like protection was given them.

Mr. Noland or a man named Sergeant Noland, a messenger in the War Department, handed me a letter from Col. E. D. Townsend, assistant adjutant-general, U. S. Army, in which Colonel Townsend states "from Mr. Noland's account the Ohio troops have been practicing a little of the abolition system in protecting runaways." I was very much surprised to hear such sentiments expressed by the chief of staff about my brave men. I then told the Messrs. Noland that the man who gave Colonel T. such information stated what was false and that if he was the person I would have no hesitancy in marching him out of camp. Sergeant Noland denied in the presence of my entire staff that he had ever given Colonel Townsend any such information; that he, Colonel T., was in no manner authorized to make such a statement; and more than that had he known what the contents of the letter was he would not have delivered it. I then told Sergeant Noland that he might have been mistaken about having seen his negro in my camp; that even if he had the negro might have been in the camp temporarily. I then told him to go to the Connecticut camps but he did not go.

The same day Major Bartholomew, of the District militia, accompanied by a friend came into my camp on a similar errand. I extended to him the same protection. He saw the negro that was represented to be the property of his friend but said he was mistaken and acknowledged that he had been misinformed and thanked me for my attention and left the camp. I do not believe Mrs. Noland has a negro in this camp and from the lying propensities of her sons I am

now in doubt if she ever owned a negro. I inclose a letter from Lieutenant-Colonel Parrott* on same case. I know nothing of Mrs. Howard's negro.

I am, captain, respectfully, your obedient servant,

A. McD. McCOOK,
Colonel First Regiment Ohio Volunteers.

Resolution adopted by the House of Representatives, special session, July 9, 1861.†

Resolved, That in the judgment of this House it is no part of the duty of the soldiers of the United States to capture and return fugitive slaves.

HDQRS. SECOND BRIGADE, FIFTH DIVISION,
Alexandria, Va., July 14, 1861.

To Colonel MILES,
Comdg. 5th Div. Troops, Dept. of Northeastern Virginia.

SIR: In pursuance of your verbal order of yesterday I made a reconnaissance on the Fairfax road seven miles out and on the Richmond road about ten miles and on the Mount Vernon road as far as Mount Vernon. * * * The negroes harnessed up one four-mule team to a wagon and one two-mule team to a wagon and got in to the number of ten of their own accord and drove to my camp. * * * As to the negroes there being no law or orders directing me either to cause them to remain at home or to prevent them from volunteering to do team duty in my brigade I shall allow them to remain until otherwise directed. I, however, have placed a guard over the provisions, the mules and the wagons on the estate and shall await your orders for their disposition.

THOS. A. DAVIES,
Colonel, Comdg. 2d Brig., 5th Div., Troops N. E. Army Virginia.

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* Not found.

† Introduced by Mr. Lovejoy, of Illinois, and passed by the following vote:

Yeas.—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchat, Frank, Gooch, Granger, Gurley, Hale, Hickman, Hutchins, Julian, Kelley, Francis W. Kellogg, Killinger, Lansing, Loomis, Lovejoy, McKean, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Thayer, Train, Trimble, Trowbridge, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Windom, and Worcester—93.

Nays.—Messrs. Allen, Ancona, Joseph Baily, Burnett, Calvert, Carlile, Cobb, Cooper, Cox, Cravens, Crisfield, Crittenden, Dunlap. English, Fisher, Fouke, Grider, Haight, Harding, Holman, Horton, Jackson, Johnson, William Kellogg, Law, Lazear, Logan, McClernand, Mallory, Menzies, Morris, Nixon, Noble, Noell, Nugen, Odell, George H. Pendleton, Richardson, Robinson, Sheffield, Smith, John B. Steele, William G. Steele, Francis Thomas, Upton, Vallandigham, Wadsworth, Ward, Webster, Whaley, Chilton A. White, Wickliffe, Wood, Woodruff, and Wright—55.

[Indorsement.]

Colonel Davies has been instructed to immediately withdraw his pickets to within a proper distance in front of his brigade, to respect private property and to send back to the farm the negroes his troops brought away.

D. S. MILES,
Colonel Second Infantry, Commanding Division.

CONFIDENTIAL.] HEADQUARTERS OF THE ARMY,
Washington, July 16, 1861.

Brigadier-General McDOWELL, *Commanding, &c.*

SIR: The general-in-chief desires me to communicate to you that he has received from the President of the United States a second note dated to-day on the subject of fugitive slaves in which he asks: "Would it not be well to allow owners to bring back those which have crossed" the Potomac with our troops? The general earnestly invites your attention to this subject knowing that you with himself enter fully into His Excellency's desire to carry out to the fullest all constitutional obligations. Of course it is the general's wish the name of the President should not at this time be brought before the public in connection with this delicate subject.

I remain, very respectfully, your obedient servant,

SCHUYLER HAMILTON,
Lieutenant-Colonel and Military Secretary.

General MANSFIELD, U. S. Army,
Commanding Department of Washington.

SIR: The general-in-chief directs that you take stringent measures to prevent any fugitive slaves from passing over the river particularly as servants with the regiments ordered over.

I am, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 33. } HDQRS. DEPARTMENT OF WASHINGTON,
Washington, July 17, 1861.

Fugitive slaves will under no pretext whatever be permitted to reside or be in any way harbored in the quarters and camps of the troops serving in this department. Neither will such slaves be allowed to accompany troops on the march.

Commanders of troops will be held responsible for a strict observance of this order.

By command of Brigadier-General Mansfield:

THEO. TALBOT,
Assistant Adjutant-General.

ATTORNEY-GENERAL'S OFFICE,
[*Washington*], *July 23, 1861.*

J. L. MCDOWELL, *U. S. Marshal, Kansas:*

Your letter of the 11th July, received 19th (under frank of Senator Lane, of Kansas), asks advice whether you should give your official services in the execution of the fugitive-slave law.

It is the President's constitutional duty to "take care that the laws be faithfully executed." That means all the laws. He has no right to discriminate—no right to execute the laws he likes and leave unexecuted those he dislikes; and of course you and I, his subordinates, can have no wider latitude of discretion than he has. Missouri is a State in the Union. The insurrectory disorders in Missouri are but individual crimes and do not change the legal status of the State nor change its rights and obligations as a member of the Union.

A refusal by a ministerial officer to execute any law which properly belongs to his office is an official misdemeanor of which I have not a doubt the President would take notice.

Very respectfully,

EDWARD BATES.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 27, 1861.

Lieutenant-General SCOTT.

SIR: * * * I have also the honor to ask instructions as to the disposition to be made of some twenty-five prisoners that I have taken—some in conveying intelligence to the enemy, some in supplying them with provisions and all of whom refuse to take the oath of allegiance or take it with reservation. I have no power to try them; it would be dangerous to allow them to escape and I am guarding and feeding them at Fort Calhoun.

It becomes my duty to report that Colonel Duryea, commanding Fifth New York Regiment, took with him certain negro slaves to Washington. They are reported nine in number. This was done against my express orders and after a portion of them had been detained by my provost-marshal. This is a question of difficulty with departing regiments and one upon which I ask instructions. I will forward to Colonel Baker, as senior officer commanding, the official returns as soon as they reach me.

Awaiting instructions, I have the honor to be, most respectfully, your obedient servant,

BENJ. F. BUTLER.

WASHINGTON, *August 8, 1861.*

Maj. Gen. B. F. BUTLER,
Commanding Department of Virginia, Fortress Monroe.

GENERAL: The important question of the proper disposition to be made of fugitives from service in States in insurrection against the Federal Government to which you have again directed my attention in your letter of July 30* has received my most attentive consideration.

It is the desire of the President that all existing rights in all the States be fully respected and maintained. The war now prosecuted on the part of the Federal Government is a war for the Union and for

* Not found.

the preservation of all constitutional rights of States and the citizens of the States in the Union. Hence no question can arise as to fugitives from service within the States and Territories in which the authority of the Union is fully acknowledged. The ordinary forms of judicial proceeding which must be respected by military and civil authorities alike will suffice for the enforcement of all legal claims. But in States wholly or partially under insurrectionary control where the laws of the United States are so far opposed and resisted that they cannot be effectually enforced it is obvious that rights dependent on the execution of those laws must temporarily fail; and it is equally obvious that rights dependent on the laws of the States within which military operations are conducted must be necessarily subordinated to the military exigencies created by the insurrection if not wholly forfeited by the treasonable conduct of parties claiming them. To this general rule rights to services can form no exception.

The act of Congress approved August 6, 1861, declares that if persons held to service shall be employed in hostility to the United States the right to their services shall be forfeited and such persons shall be discharged therefrom. It follows of necessity that no claim can be recognized by the military authorities of the Union to the services of such persons when fugitives.

A more difficult question is presented in respect to persons escaping from the service of loyal masters. It is quite apparent that the laws of the State under which only the services of such fugitives can be claimed must needs be wholly or almost wholly suspended as to remedies by the insurrection and the military measures necessitated by it. And it is equally apparent that the substitution of military for judicial measures for the enforcement of such claims must be attended by great inconveniences, embarrassments and injuries.

Under these circumstances it seems quite clear that the substantial rights of loyal masters will be best protected by receiving such fugitives as well as fugitives from disloyal masters into the service of the United States, and employing them under such organizations and in such occupations as circumstances may suggest or require. Of course a record should be kept showing the name and description of the fugitives, the name and the character as loyal or disloyal of the master, and such facts as may be necessary to a correct understanding of the circumstances of each case after tranquility shall have been restored. Upon the return of peace Congress will doubtless properly provide for all the persons thus received into the service of the Union and for just compensation to loyal masters. In this way only it would seem can the duty and safety of the Government and the just rights of all be fully reconciled and harmonized.

You will therefore consider yourself as instructed to govern your future action in respect to fugitives from service by the principles herein stated, and will report from time to time—and at least twice in each month—your action in the premises to this Department. You will, however, neither authorize nor permit any interference by the troops under your command with the servants of peaceful citizens in house or field, nor will you in any way encourage such servants to leave the lawful service of their masters, nor will you except in cases where the public safety may seem to require prevent the voluntary return of any fugitive to the service from which he may have escaped.

I am, general, very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Fort McHenry, Md., August 8, 1861.

Hon. S. CAMERON, *Secretary of War.*

SIR: The inclosed letter* which I desire to submit for the early attention of the Government explains itself. Three negroes—acknowledging that their master lives on the shores of the Chesapeake in Virginia below the mouth of the Potomac, and is an active secessionist—were taken from a canoe at the mouth of the Severn on their way as they said to Baltimore. I take it for granted they are fugitives; but I suppose the matter should be treated precisely as it would be if we were in the occupation of Virginia. We would not meddle with the slaves even of secessionists. My letter to Colonel Roberts takes the ground that we have nothing to do with slaves; that we are neither negro-stealers nor negro-catchers, and that we should send them away if they came to us. The matter is one of some delicacy and I prefer not to send my letter if it conflicts with the views of the Government.

I have the honor to be, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Fort McHenry, Md., August 9, 1861.

Col. JOSEPH C. PINCKNEY,
Sixth Regiment New York State Militia.

COLONEL: A colored man by the name of Nicholas Johnson, commonly called Nick, was in the hospital at Annapolis while you were in command and disappeared as you are aware just before your regiment returned to New York. I know through Governor Hicks that the circumstances are all familiar to you. I need not therefore enter into any statement of them. But I write by the direction of the War Department to request "your exertions toward the recovery of the boy" and that you "take such measures as may be in your power toward the accomplishment of this purpose."

I am, respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS,
Bethel, August 9, 1861.

Col. GEORGE DEAS,
Adjutant-General, C. S. Army.

SIR: As soon as I learned the result of the battle of Manassas I ordered about 2,000 men under Colonel Johnston, of the cavalry, to proceed to the immediate vicinity of Hampton and Newport News to make reconnaissance of those places and to be guided by the results. I directed him also to scour the country up to the enemy's pickets and to capture and send up to the works at Williamsburg all the negroes to be found below a certain line. These duties were well performed by Colonel Johnston and some 150 negroes were captured and delivered at Williamsburg.

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* Not found.

I moved the left flank to within a mile of Hampton and there a late copy of a Northern paper, the Tribune, containing an official report of General Butler, commanding at Old Point, to the Federal Secretary of War was placed in my hands. I have not the report with me but will forward it by the next mail. In it General Butler announces what his intentions are in respect to Hampton, about one-third of which, however, had been burned by the enemy when they evacuated it. He states in substance that this evacuation was the consequence of the withdrawal of 4,000 of his best troops to go to Washington; that he intended to fortify and make it so strong as to be easily defended by a small number of troops; that he did not know what to do with the many negroes in his possession unless he possessed Hampton; that they were still coming in rapidly; that as their masters had deserted their homes and slaves he should consider the latter free and would colonize them at Hampton, the home of most of their owners, where the women could support themselves by attending to the clothes of the soldiers and the men by working on the fortifications of the town.

Having known for some time past that Hampton was the harbor of runaway slaves and traitors, and being under the guns of Fort Monroe it could not be held by us even if taken I was decidedly under the impression that it should have been destroyed before; and when I found from the above report its extreme importance to the enemy and that the town itself would lend great strength to whatever fortifications they might erect around it I determined to burn it at once.

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I am, general, very respectfully, &c.,

J. BANKHEAD MAGRUDER,
Brigadier-General, Commanding.

HEADQUARTERS CITY GUARD,
Washington, August 10, 1861.

Capt. H. DAVIDSON,
Commanding Guard, Railroad Depot.

SIR: It is directed by the provost-marshal that you permit no soldiers to leave this city by the railroad who are unable to show that they have been properly discharged from the service of the United States; also that no negroes without sufficient evidence of their being free or of their right to travel are permitted to leave the city upon the cars.

I am, captain, very respectfully, your obedient servant,

W. W. AVERELL,
Acting Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., August 21, 1861.

Maj. Gen. G. B. MCCLELLAN,
Commanding Division of the Potomac.

GENERAL: Early this month Captain Nones, commanding the revenue cutter Forward, whom I placed at the mouth of the Severn at Annapolis with his vessel and the small tender to break up the illicit trade ascertained to be carried on between that river and Virginia by way of the Patuxent, captured three negro men going in by a canoe. I wrote to Colonel Roberts, of the First Regiment Pennsylvania Vol-

unteers, under whose direction Captain Nones had been placed, instructing him to turn over the negroes to the civil authorities of Annapolis. They acknowledged that they were runaway slaves, the property of Virginians who were secessionists, and alleged that they were on their way to Baltimore. In my letter to Colonel Roberts* I expressed the desire that no officer in this department should take negroes into custody unless they were detected in committing some criminal act in which case they might be arrested and turned over to the civil authority. I said to him also that we as a part of the military establishment of the country had nothing to do with fugitives from service; that we had no ministerial powers for their capture or surrender, and that their masters must resort to the measures provided by law for their recovery. And I directed him if negroes came into his encampment unless as laborers or servants, and if slaves without the consent of their masters, not to receive them.

Not being sure that these views would accord with those of the Government I inclosed my letter to Colonel Roberts to the Secretary of War on the 8th instant asking speedy action in regard to the matter. To this letter I have received no answer. I have stated the substance of my letter to Colonel Roberts. It was not entered in my letter-book and I kept no copy. This morning Captain Nones, who came from Annapolis yesterday by my order and anchored his vessel off Fort Carroll, an unfinished work at the mouth of the lower harbor, captured two more negroes and brought me the inclosed communication.* I have ordered him to take no more into custody. He has now five slaves on board his vessel doing nothing except consuming rations. I ask your direction in regard to them. The three first are held under an order from the Secretary of the Treasury sent by telegraph from Wilmington, Del., about twelve days ago.

Unless we abstain from the reception or the capture of fugitive slaves I think we shall involve ourselves in the most serious difficulty. Their numbers will increase rapidly if it is understood that they are to be received and fed especially as we advance into Virginia; and we shall not only be oppressed by a useless burden but we shall expose ourselves to the imputation of intermeddling with a matter entirely foreign to the great questions of political right and duty involved in the civil strife which has been brought upon us by disloyal and unscrupulous men. Our cause is a holy one and should be kept free from all taint.

I have the honor to be, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., August 23, 1861.

Capt. HENRY B. NONES,
Commanding Revenue Cutter Forward.

SIR: Mr. Levin F. Donnack and Mr. Samuel Keene, of Dorchester, have come here in pursuit of the two fugitive slaves taken up by you near Fort Carroll. If you are satisfied that they are the owners as I am you will please deliver them up with the canoe and sail.

I am, respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

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* Not found.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., August 25, 1861.

Maj. Gen. G. B. MCCLELLAN,
Commanding Army of the Potomac.

GENERAL: Early this morning three negro men came to Fort McHenry representing themselves to be runaway slaves from Anne Arundel County. I declined to receive them into the fort on the ground that I could neither harbor them as fugitives from service nor arrest them for the purpose of restoring them to their masters. In a former letter I stated the view I take in regard to my duty in such cases, and having no instructions from the Government I acted on it and directed the negroes to leave the fort.

I am, very respectfully, your obedient servant,

[JOHN A. DIX,]
Major-General, Commanding.

HEADQUARTERS U. S. FORCES,
Cape Girardeau, Mo., August 30, 1861.

Capt. J. C. KELTON, *Saint Louis, Mo.:*

* * * * * * *

The fortifications here are in a considerable state of forwardness, and I would judge from visiting them this afternoon are being pushed forward with vigor. I notice that a number of contrabands in the shape of negroes are being employed apparently much to their satisfaction. I will make inquiry how they came here, and if the fact has not been previously reported ask instructions.

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U. S. GRANT,
Brigadier-General, Commanding.

WASHINGTON, D. C., *September 2, 1861.*

Major-General FRÉMONT.

MY DEAR SIR: Two points in your proclamation of August 30* give me some anxiety:

First. Should you shoot a man according to the proclamation the Confederates would very certainly shoot our best men in their hands in retaliation; and so man for man indefinitely. It is therefore my order that you allow no man to be shot under the proclamation without first having my approbation or consent.

Second. I think there is great danger that the closing paragraph in relation to the confiscation of property and the liberating slaves of traitorous owners will alarm our Southern Union friends and turn them against us, perhaps ruin our rather fair prospect for Kentucky. Allow me therefore to ask that you will as of your own motion modify that paragraph so as to conform to the first and fourth sections of the act of Congress entitled "An act to confiscate property used for insurrectionary purposes," approved August 6, 1861, and a copy† of which act I herewith send you.

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* See Frémont's proclamation of martial law, p. 221.
† Not found.

This letter is written in a spirit of caution and not of censure. I send it by special messenger in order that it may certainly and speedily reach you.

Yours, very truly,

A. LINCOLN.

HEADQUARTERS WESTERN DEPARTMENT,
Saint Louis, September 8, 1861.

The PRESIDENT.

MY DEAR SIR: Your letter of the 2d by special messenger I know to have been written before you had received my letter, and before my telegraphic dispatches and the rapid development of critical conditions here had informed you of affairs in this quarter. I had not written to you fully and frequently, first, because in the incessant change of affairs I would be exposed to give you contradictory accounts; and, secondly, because the amount of the subjects to be laid before you would demand too much of your time.

Trusting to have your confidence I have been leaving it to events themselves to show you whether or not I was shaping affairs here according to your ideas. The shortest communication between Washington and Saint Louis generally involves two days and the employment of two days in time of war goes largely toward success or disaster. I therefore went along according to my own judgment leaving the result of my movements to justify me with you.

And so in regard to my proclamation of the 30th. Between the rebel armies, the Provisional Government and home traitors I felt the position bad and saw danger. In the night I decided upon the proclamation and the form of it. I wrote it the next morning and printed it the same day. I did it without consultation or advice with any one, acting solely with my best judgment to serve the country and yourself and perfectly willing to receive the amount of censure which should be thought due if I had made a false movement. This is as much a movement in the war as a battle, and in going into these I shall have to act according to my judgment of the ground before me as I did on this occasion. If upon reflection your better judgment still decides that I am wrong in the article respecting the liberation of slaves I have to ask that you will openly direct me to make the correction. The implied censure will be received as a soldier always should the reprimand of his chief. If I were to retract of my own accord it would imply that I myself thought it wrong and that I had acted without the reflection which the gravity of the point demanded. But I did not. I acted with full deliberation and upon the certain conviction that it was a measure right and necessary and I think so still.

In regard to the other point of the proclamation to which you refer I desire to say that I do not think the enemy can either misconstrue or urge anything against it, or undertake to make unusual retaliation. The shooting of men who shall rise in arms against an army in the military occupation of a country is merely a necessary measure of defense and entirely according to the usages of civilized warfare. The article does not at all refer to prisoners of war and certainly our enemies have no ground for requiring that we should waive in their benefit any of the ordinary advantages which the usages of war allow to us. As promptitude is itself an advantage in war I have also to ask that you will permit me to carry out upon the spot the provisions of the proclamation in this respect. Looking at affairs from this point of view I am satis-

fied that strong and vigorous measures have now become necessary to the success of our arms; and hoping that my views may have the honor to meet your approval,

I am, with respect and regard, very truly, yours,

J. C. FRÉMONT.

WASHINGTON, D. C., *September 11, 1861.*

Maj. Gen. JOHN C. FRÉMONT.

SIR: Yours of the 8th in answer to mine of the 2d instant was just received. Assured that you upon the ground could better judge of the necessities of your position than I could at this distance on seeing your proclamation of August 30 I perceived no general objection to it. The particular clause, however, in relation to the confiscation of property and the liberation of slaves appeared to me to be objectionable in its non-conformity to the act of Congress passed the 6th of last August upon the same subjects, and hence I wrote you expressing my wish that that clause should be modified accordingly. Your answer just received expresses the preference on your part that I should make an open order for modification which I very cheerfully do.

It is therefore ordered that the said clause of said proclamation be so modified, held and construed as to conform with and not to transcend the provisions on the same subject contained in the act of Congress entitled "An act to confiscate property used for insurrectionary purposes," approved August 6, 1861, and that said act be published at length with this order.

Your obedient servant,

A. LINCOLN.

WASHINGTON, *September 12,* [*1861*].

His Excellency ABRAHAM LINCOLN,
President of the United States.

DEAR SIR: The late act of Congress providing for the confiscation of the estates of persons in open rebellion against the Government was as a necessary war measure accepted and fully approved by the loyal men of the country. It limited the penalty of confiscation to property actually employed in the service of the rebellion with the knowledge and consent of its owners, and instead of emancipating slaves thus employed left their status to be determined either by the courts of the United States or by subsequent legislation.

The proclamation, however, of General Frémont under date of the 30th of August transcends and of course violates the law in both these particulars and declares that the property of rebels whether used in support of the rebellion or not shall be confiscated, and if consisting in slaves that they shall be at once manumitted.

The act of Congress referred to was believed to embody the conservative policy of your administration upon this delicate and perplexing question, and hence the loyal men of the border slave States have felt relieved of all fears of any attempt on the part of the Government of the United States to liberate suddenly in their midst a population unprepared for freedom and whose presence could not fail to prove a painful apprehension if not a terror to the homes and families of all.

You may therefore well judge of the alarm and condemnation with which the Union-loving citizens of Kentucky—the State with whose popular sentiment I am best acquainted—have read this proclamation.

The hope is earnestly indulged by them as it is by myself that this paper was issued under the pressure of military necessity which General Frémont believed justified the step but that in the particulars specified it has not your approbation and will not be enforced in derogation of law. The magnitude of the interest at stake and my extreme desire that by no misapprehension of your sentiments or purposes shall the power and fervor of the loyalty of Kentucky be at this moment abated or chilled must be my apology for the frankness with which I have addressed you and for the request I venture to make of an expression of your views upon the points of General Frémont's proclamation on which I have commented.

I have the honor to be, very respectfully, your obedient servant,

J. HOLT.

EXECUTIVE MANSION, *September 12, 1861.*

Hon. JOSEPH HOLT.

DEAR SIR: Yours of this day in relation to the late proclamation of General Frémont is received. Yesterday I addressed a letter to him by mail on the same subject and which is to be made public when he receives it. I herewith send you a copy of that letter* which perhaps shows my position as distinctly as any new one I could write. I will thank you not to make it public until General Frémont shall have had time to receive the original.

Your obedient servant,

A. LINCOLN.

PROCLAMATION.

HDQRS. WESTERN DEPARTMENT OF THE U. S. ARMY,
Saint Louis, September 12, 1861.

The major-general commanding the Western Department having satisfactory evidence that Thomas L. Snead, of the city and county of Saint Louis and State of Missouri, has been taking active part with the enemies of the United States in the present insurrectionary movement against its Government, and the military commission now in session at the arsenal in this city having reported the fact to these headquarters as the result of its deliberations, the major-general commanding has executed and ordered to be published the following deeds of manumission:

DEED OF MANUMISSION.

Whereas, Thomas L. Snead, of the city and county of Saint Louis, State of Missouri, has been taking part with the enemies of the United States in the present insurrectionary movement against the Government of the United States: Now, therefore, I, John Charles Frémont, major-general commanding the Western Department of the Army of the

* See Lincoln to Frémont, September 11, 1861, *ante.*

United States, by authority of law and the power vested in me as such commanding general declare Frank Lewis heretofore held to service or labor by said Thomas L. Snead to be free and forever discharged from the bonds of servitude, giving him full right and authority to have, use and control his own labor or service as to him may seem proper without any accountability whatever to said Thomas L. Snead or any-one to claim by, through or under him.

And this deed of manumission shall be respected and treated by all persons and in all courts of justice as the full and complete evidence of the freedom of said Frank Lewis.

In testimony whereof this act is done at the headquarters of the Western Department of the Army of the United States in the city of Saint Louis, State of Missouri, on this 12th day of September, A. D. 1861, as is evidenced by the departmental seal hereto affixed by my order.

J. C. FRÉMONT.
Major-General, Commanding.

DEED OF MANUMISSION.

Whereas, Thomas L. Snead, of the city and county of Saint Louis, State of Missouri, has been taking an active part with the enemies of the United States in the present insurrectionary movement against the Government of the United States: Now, therefore, I, John Charles Frémont, major-general commanding the Western Department of the Army of the United States, by authority of law and the power vested in me as such commanding general declare Hiram Reed heretofore held to service or labor by Thomas L. Snead to be free and forever discharged from the bonds of servitude, giving him full right and authority to have, use and control his own labor or service as to him may seem proper without any accountability whatever to said Thomas L. Snead or to any one to claim by, through or under him.

And this deed of manumission shall be respected and treated by all persons and in all courts of justice as the full and complete evidence of the freedom of said Hiram Reed.

In testimony whereof this act is done at the headquarters of the Western Department of the Army of the United States in the city of Saint Louis, State of Missouri, on this 12th day of September, A. D. 1861, as is evidenced by the departmental seal hereto affixed by my order.

J. C. FRÉMONT,
Major-General, Commanding.

Done at the office of the provost-marshal in the city of Saint Louis this 12th day of September, A. D. 1861, at 9 o'clock in the evening of said day.

Witness my hand and seal of this office hereto affixed.

J. McKINSTRY,
Brigadier-General, Provost-Marshal.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 18, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: * * * I would be much gratified if you would tell me what I am to do with the negro slaves that are almost daily arriving at this post from the interior. Am I to find food and shelter for the women

and children who can do nothing for themselves? Thus far we have been able to employ in various ways most of the adults. It appears to me some positive instructions should be given in regard to what shall be done for the number that will be accumulated in and about this post during the approaching winter. I hope you will give me instructions on this very important subject. Humanity requires that they should be taken care of.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT,
Washington, September 20, 1861.

Maj. Gen. JOHN E. WOOL, *Commanding, Fort Monroe, Va.*

GENERAL: * * * You will as early as practicable send to General McClellan at this place all negro men capable of performing labor accompanied by their families. They can be usefully employed on the military works in this vicinity.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

OFFICE PROVOST-MARSHAL,
Saint Louis, Mo., September 20, 1861.

Capt. G. GRANGER, *Commanding Arsenal.*

CAPTAIN: By my order Colonel McNeil, commanding provost guard, will deliver into your custody certain runaway negro slaves who have been heretofore apprehended and committed to the military prison. I desire they be employed at police duty and such other labor as you may choose until they are reclaimed by their masters, who upon proof of their ownership and that they are loyal to the United States will be entitled to receive them back into their service.

I am, captain, very respectfully, yours,

J. McKINSTRY,
Brigadier-General, U. S. Army, Provost-Marshal.

HEADQUARTERS KANSAS BRIGADE,
Kansas City, October 3, 1861.

General S. D. STURGIS.

GENERAL: In answer to your note of this day* I have this to say that I don't care a fig about rank; I have enough of the glittering tinsel to satisfy me. I am here in obedience to an order from Maj. Gen. John C. Frémont to co-operate with you in ferreting out and fighting the enemy. Kindly and promptly do I desire to obey that order. My brigade is not here for the purpose of interfering in anywise with the institution of slavery. They shall not become negro thieves nor shall they be prostituted into negro-catchers. The institution of slavery must take care of itself.

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* Not found.

I said in the Senate of the United States and my experience since only demonstrates its truth that in my opinion the institution would perish with the march of the Federal armies.

Again I say that the mass of the personal property in Missouri including slave is at this moment held by the wives and children assisted by the Federal Army while the husband and father are actually in arms against the Government. In my opinion our policy in this regard should be changed.

Confiscation of slaves and other property which can be made useful to the army should follow treason as the thunder peal follows the lightning flash. Until this change is made you offer premiums for the men to remain away in the army of the enemy. I had a man cowardly shot in the woods to-day within sight of our camp by the very men I have no doubt whose property you are so anxious to protect.

I am endeavoring to find what transportation I have to spare if any and will report to you accordingly.

Yours,

J. H. LANE,
Commanding Kansas Brigade.

HDQRS. SECOND BRIG., SECOND DIV., ARMY OF THE WEST,
Boonville, Mo., October 6, 1861.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Army of the West, Jefferson City.

SIR: I send by the Northerner in charge of Captain Renfro, Ninth Regiment Missouri Volunteers, several slaves who having given important information to Major Eppstein while in command of this post which saved his command from surprise now seek protection from their masters who threaten to kill them. Major Eppstein cannot longer protect them. I therefore send them to Jefferson City where they can work on the fortifications.

Very respectfully,

JNO. C. KELTON,
Colonel, Commanding.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Fort McHenry, October 12, 1861.

S. R. RICHARDSON, Esq.

SIR: When I took command of this department being anxious to avoid all difficulty in regard to slaves I directed that no negroes should be permitted to enter our encampments except as laborers or servants and then only with the consent of their masters if they were not free. It was in obeying this order that Colonel Morse directed your boy who had found his way into the naval school to be sent out of it. I am satisfied the colonel had no other desire but to avoid the very difficulty that has now occurred. The error was originally in permitting the boy to enter the lines at all and this it seems had been done by the soldiers before the colonel was aware of it. I have given directions to Colonel Morse as you request to ascertain if possible by the most searching examination whether his officers or soldiers are harboring the boy or have aided in his concealment or escape. I am very desirous to avoid all cause of complaint on the part of the citizens of Maryland in regard to any interference with their rights of property especially in slaves

knowing how sensitive they are on this subject; and I can assure you that no effort will be spared on my part to discover and redress any alleged violation of those rights.

I am, very respectfully yours,

[JOHN A. DIX,]
Major-General, Commanding.

WAR DEPARTMENT, *October 14, 1861.*

Brig. Gen. T. W. SHERMAN,
Commanding Expedition to the Southern Coast.

SIR: In conducting military operations within States declared by the proclamation of the President to be in a state of insurrection you will govern yourself so far as persons held to service under the laws of such States are concerned by the principles of the letters addressed by me to Major-General Butler on the 30th of May and the 8th of August,* copies of which are herewith furnished to you. As special directions adapted to special circumstances cannot be given much must be referred to your own discretion as commanding general of the expedition. You will, however, in general avail yourself of the services of any persons whether fugitives from labor or not who may offer them to the National Government; you will employ such persons in such services as they may be fitted for either as ordinary employés or if special circumstances seem to require it in any other capacity with such organization in squads, companies or otherwise as you deem most beneficial to the service. This, however, not to mean a general arming of them for military service. You will assure all loyal masters that Congress will provide just compensation to them for the loss of the services of the persons so employed. It is believed that the course thus indicated will best secure the substantial rights of loyal masters and the benefits to the United States of the services of all disposed to support the Government, while it avoids all interference with the social systems or local institutions of every State beyond that which insurrection makes unavoidable and which a restoration of peaceful relations to the Union under the Constitution will immediately remove.

Respectfully,

SIMON CAMERON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., October 14, 1861.

Col. AUGUSTUS MORSE, *Commanding at Annapolis.*

COLONEL: You will please ascertain by the most searching inquiries among your officers and men whether the colored boy belonging to Mr. Richardson has been harbored within your lines since he was sent out by your order and whether he is still within them. My order was not to allow fugitive slaves to come within the encampments at all. The difficulty in this case arises from his having been allowed to enter yours. The owner now seeks to hold you responsible for not giving him up when you knew he was a slave. I wish the matter put on such ground as to exonerate us from all responsibility and it is for this reason that I direct the inquiries above stated. Hereafter no fugitive slave should be allowed to come within your lines at all; but if he comes within

* Omitted here; but for Cameron to Butler here referred to, see pp. 754 and 761, respectively.

them without your knowledge and the owner call for him while he is actually in your possession or under your control he should be surrendered on such call or demand. We may decline to receive them and this is what I wished; but if we do receive them we cannot decline to surrender.

I am, very respectfully,

JOHN A. DIX,
Major-General, Commanding.

SPECIAL ORDERS, No. 72. } HDQRS. DEPARTMENT OF VIRGINIA, *Fort Monroe, October 14, 1861.*

All colored persons called contrabands employed as servants by officers and others residing within Fort Monroe or outside of the fort at Camp Hamilton and Camp Butler will be furnished with their subsistence and at least $8 per month for males and $4 per month for females by the officers and others employing them.

So much of the above-named sums as may be necessary to furnish clothing to be decided by the chief quartermaster of the department will be applied to that purpose, and the remainder will be paid into his hands to create a fund for the support of those contrabands who are unable to work for their own support.

All able-bodied colored persons who are under the protection of the troops of this department and who are not employed as servants will be immediately put to work in either the engineer's or quartermaster's department.

By command of Major-General Wool:

WM. D. WHIPPLE,
Assistant Adjutant-General.

LOUISVILLE, KY., *October 15, 1861.*

Colonel TURCHIN.

DEAR SIR: Two gentlemen unknown to me but introduced by Mr. Guthrie say some negro slaves have taken refuge in your camp and are there sheltered.

The laws of the United States and of Kentucky all of which are binding on us compel us to surrender a runaway negro on application of negro's owner or agent. I believe you have not been instrumental in this but my orders are that all negroes shall be delivered up on claim of the owner or agent. Better keep the negroes out of your camp altogether unless you brought them along with the regiment.

Yours, &c.,

W. T. SHERMAN,
Brigadier-General, Commanding.

GENERAL ORDERS, No. 34. } HDQRS. DEPARTMENT OF VIRGINIA, *Fort Monroe, November 1, 1861.*

The following pay and allowances will constitute the valuation of the labor of the contrabands at work in the engineer, ordnance, quartermaster, commissary and medical departments at this post to be paid as hereinafter mentioned:

Class 1. Negro men over eighteen years of age and able-bodied $10 per month, one ration and the necessary amount of clothing.

Class 2. Negro boys from twelve to eighteen years of age and sickly and infirm negro men $5 per month, one ration and the necessary amount of clothing.

The quartermaster will furnish all the clothing. The department employing these men will furnish the subsistence specified above, and as an incentive to good behavior (to be withheld at the discretion of the chiefs of the departments respectively) each individual of the first class will receive $2 per month and each individual of the second class $1 per month for their own use. The remainder of the money valuation of their labor will be turned over to the quartermaster who will deduct from it the cost of the clothing issued to them; the balance will constitute a fund to be expended by the quartermaster under the direction of the commanding officer of the department of Virginia for the support of the women and children and those that are unable to work.

For any unusual amount of labor performed they may receive extra pay varying in amount from 50 cents to $1, this to be paid by the department employing them to the men themselves and to be for their own use.

Should any man be prevented from working on account of sickness for six consecutive days or ten days in any one month one-half of the money value will be paid. For being prevented from laboring for a longer period than ten days in any one month all pay and allowance cease.

By command of Major-General Wool:

WM. D. WHIPPLE,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., November 4, 1861.

Col. H. E. PAINE,
Commanding Fourth Wisconsin Volunteers.

COLONEL: * * * In your intercourse with the inhabitants you will do all in your power to correct misapprehension in regard to the intentions of the Government in the war which has been forced on it. Multitudes are laboring under delusions—the fruit of misrepresentations and falsehood—which you may do much to dispel. Our mission is to uphold the Government against treasonable attempts to subvert it. We wage no war with individuals who are pursuing their peaceable occupations but with those who are in arms against the United States and those who encourage or aid them in their treason. * * * You will take especial care not to interfere in any manner with persons held to servitude, and in order that there may be no cause for misrepresentation or cavil you will not receive or allow any negro to come within your lines.

Very respectfully, your obedient servant,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS POST,
Rolla, Mo., November 4, 1861.

Colonel GREUSEL, *Commanding Southern Expedition.*

COLONEL: If the men who are away from home are in the rebel army or if their families cannot give a good account of themselves or

their whereabouts take their property or that portion of it worth taking; also their slaves. Be sure they are aiding the enemy and then take all they have got. * * * Keep account of everything you take and who it is taken from. I think your idea is a good one about dividing your forces. Let the infantry on returning visit the Pineys and look out for affairs there. Be careful in taking contraband negroes that their owners are aiding the enemy.

Your obedient servant,

G. M. DODGE,
Colonel, Commanding Post at Rolla, Mo.

CAMP NEVIN, KY., *November 5, 1861.*

General W. T. SHERMAN,
Commanding Department of the Cumberland.

GENERAL: The subject of contraband negroes is one that is looked to by the citizens of Kentucky of vital importance. Ten have come into my camp within as many hours and from what they say there will be a general stampede of slaves from the other side of Green River. They have already become a source of annoyance to me and I have great reason to believe that this annoyance will increase the longer we stay. They state the reasons of their running away that their masters are rank secessionists—in some cases are in the rebel army, and that slaves of Union men are pressed into service to drive teams, &c.

I would respectfully suggest that if they be allowed to remain here our cause in Kentucky may be injured. I have no faith in Kentucky's loyalty therefore have no great desire to protect her pet institution—slavery. As a matter of policy how would it do for me to send for their masters and deliver the negroes to them on the outside of our lines, or send them to the other side of Green River and deliver them up? What effect would it have on our cause south of the river? I am satisfied they bolster themselves up by making the uninformed believe that this is a war upon African slavery. I merely make these suggestions for I am very far from wishing these recreant masters in possession of any of their property for I think slaves no better than horses in that respect.

I have put the negroes to work. They will be handy with teams and generally useful. I consider the subject embarrassing and must defer to your better judgment.

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A. McD. McCOOK,
Brigadier-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, November 7, 1861.

Brig. Gen. D. C. BUELL.

GENERAL: * * * It is absolutely necessary that we shall hold all the State of Kentucky. Not only that but that the majority of its inhabitants shall be warmly in favor of our cause, it being that which best subserves their interests. It is possible that the conduct of our political affairs in Kentucky is more important than that of our military operations. I certainly cannot overestimate the importance of the former. You will please constantly bear in mind the precise issue for which we are fighting. That issue is the preservation of the Union and the restoration of the full authority of the General Government over all por-

tions of our territory. We shall most readily suppress this rebellion and restore the authority of the Government by religiously respecting the constitutional rights of all. I know that I express the feelings and opinions of the President when I say that we are fighting only to preserve the integrity of the Union and the constitutional authority of the General Government.

The inhabitants of Kentucky may rely upon it that their domestic institutions will in no manner be interfered with and that they will receive at our hands every constitutional protection. I have only to repeat that you will in all respects carefully regard the local institutions of the region in which you command allowing nothing but the dictates of military necessity to cause you to depart from the spirit of these instructions.

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[GEO. B. McCLELLAN.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Louisville, Ky., November 8, 1861.

Brigadier-General McCOOK, *Camp Nevin.*

SIR: I have no instructions from Government on the subject of negroes. My opinion is that the laws of the State of Kentucky are in full force and that negroes must be surrendered on application of their masters or agents or delivered over to the sheriff of the county. We have nothing to do with them at all and you should not let them take refuge in camp. It forms a source of misrepresentation by which Union men are estranged from our cause. I know it is almost impossible for you to ascertain in any case the owner of the negro. But so it is; his word is not taken in evidence and you will send them away.

I am, yours,

W. T. SHERMAN,
Brigadier-General, Commanding.

HILTON HEAD,
Port Royal, S. C., November 9, 1861.

[Brig. Gen. M. C. MEIGS,
Quartermaster-General.]

GENERAL: * * * Contraband negroes are coming in in great numbers. In two days 150 have come in, mostly able-bodied men, and it will soon be necessary to furnish them with coarse clothing.

With great respect, your obedient servant,

R. SAXTON,
Captain, U. S. Army, Assistant Quartermaster.

HEADQUARTERS EXCELSIOR BRIGADE,
Second Brigade, Hooker's Division, November 12, 1861.

Capt. WILLIAM H. LAWRENCE,
Aide-de-Camp and Acting Assistant Adjutant-General.

CAPTAIN: Herewith I have the honor to inclose Col. Charles K. Graham's report of a reconnaissance of Mathias Point and the peninsula of which it is the terminus.

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Between thirty and forty negroes some of whom returned with the troops and others making their way over in boats obtained on the Virginia shore are now in Colonel Graham's camp. I will thank you to favor me with instructions as to the disposition to be made of these persons. I presume much reliable information may be gathered from them.

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I am, captain, very respectfully, your obedient servant,

D. E. SICKLES,
Brigadier-General.

GENERAL ORDERS, No. 3. } HDQRS. DEPARTMENT OF THE MISSOURI, *Saint Louis, November 20, 1861.*

1. It has been represented that important information respecting the numbers and condition of our forces is conveyed to the enemy by means of fugitive slaves who are admitted within our lines. In order to remedy this evil it is directed that no such person be hereafter permitted to enter the lines of any camp or of any forces on the march and that any now within such lines be immediately excluded therefrom.

2. The general commanding wishes to impress upon all officers in command of posts and troops in the field the importance of preventing unauthorized persons of every description from entering and leaving our lines and of observing the greatest precaution in the employment of agents and clerks in confidential positions.

By order of Major-General Halleck:

WILLIAM McMICHAEL,
Assistant Adjutant-General.

HEADQUARTERS FOURTH BRIGADE,
Fort Holt, Ky., November 23, 1861.

General U. S. GRANT,
Commanding District of Southeast Missouri, Cairo, Ill.

GENERAL: Yours of the 14th instant* by the hands of Mr. Mercer is just received to-day, Mr. M. having in my absence refused to place the same for me in the hands of the acting assistant adjutant-general of this post.

Due regard has been paid to your orders previously issued in regard to slave property and am most certain that no portion of the command has either aided or assisted in any manner the enticing or holding of any slave owing service under the laws of any slave State in or out of the Union, and when such have asked protection they have only temporarily obtained it, and I still hold as under previous orders from you any such when in my command in readiness to be instantly turned over either to the lawful owner or any identified agent of said owner. There may be negroes at the fort who have never been liberated but if there are I have never been notified of their presence except in one instance, and I have issued a special order this day to require him under escort to be sent without the lines.

Captain Delano has just informed me that old man Mercer has during the fore part of the day given him no little trouble in regard to one

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* Not found.

man in his camp whom the captain informs me is not only the property of a secessionist but has been used in aid of treason by his master. This, however, I am not officially apprised of and cannot of course act as I would under other circumstances. Inclosed please find copy of general order issued in relation to such characters and oblige,

Your most obedient servant,

JOHN COOK,
Colonel, Commanding Fourth Brigade.

[Inclosure.]

GENERAL ORDERS, No. 17. } HEADQUARTERS FOURTH BRIGADE, *Fort Holt, Ky., November 23, 1861.*

No officer or soldier shall be allowed to arrest, secrete or harbor or in any way interfere with persons held to service (negroes), property of citizens of slaveholding States.

By order of Col. John Cook, commanding Fourth Brigade:

L. R. WALLER,
Acting Assistant Adjutant-General.

BOONVILLE, MO., *November 30, 1861.*

Major-General HALLECK, U. S. Army,
Headquarters, Saint Louis, Mo.

DEAR SIR: I am a native of East Hartford, Conn., and am now visiting this State to induce a widowed sister and her family to return to that vicinity where our parents, much advanced in years, reside; that my sister and her family now residing in a disturbed locality (being in Johnson County) may escape troubles and dangers growing out of the sad condition of affairs in Western Missouri and relieve us at home of great uneasiness on her account. Being detained in this neighborhood several days expecting a friend who per appointment was to meet me here I have become somewhat informed as to local matters which as a good and loyal citizen I briefly make known to you. I do not do this obstrusively nor expect that my advice is of great importance but simply as a witness, from the fact that it is impossible for you to enforce obedience and punish willful disobedience and contempt or disregard of your authority unless you are specifically made acquainted with abuses in the localities under your military command where they abound.

Much will never reach you for the simple reason that resident inhabitants are afraid to complain, and it [is] as a precaution in my own behalf proper for me to say to you that I am in personal danger of the Boonville Home Guards could they identify me as the author of the inclosed communication. Every one who ventures to complain or dissent from their malpractices is denounced as a secessionist in league with the enemy. They are composed mainly of the rudest portion of the German population, and there is no reasoning with them allowed on the part or in behalf of abused civilians. The captains of the two companies were recently keepers of drinking houses and one of them still keeps his "doggery." I mention this merely to show you the kind of material U. S. captains are made of in this locality.

I have had a good opportunity of forming an opinion of the temper of the people of Missouri having made two protracted visits to the State within the last twelvemonth, and it is my candid opinion from a loyal standpoint that the mismanagement of Federal advisers in this State

has made more enmity to the Government than any influence to be attributed to Jeff. Davis, Governor Jackson or all the secessionists combined for three-fourths of those now in arms and hostile to the Government disavow belief in the dogma of the "right of secession."

Your recent orders published in the Saint Louis daily papers concerning the harboring of runaway or fugitive slaves within the lines or within the camp and prohibition against the unauthorized seizure of persons and arbitrary appropriation and destruction of private property (evils or I may say barbarities practiced by the so-called "home guards" in this county to a serious extent) promise security and would do much to restore confidence among the people did they believe that they would be obeyed. If rigidly enforced they would go far to tranquilize the State and put a "damper" on successful recruiting for Price's army.

But your orders are not obeyed here, and the reply to me when I have cited your orders to prove that this war is neither an abolition war nor a sectional war to devastate the South is that "the orders will not be enforced by subordinates," and "if General Halleck should enforce them the immediate advisers of the President in this State will have him displaced." They invariably ask, "How are General Halleck's orders enforced here since published?" And I say with shame to that subordination which should exist that I can afford no satisfactory answer beyond the only presumption that you are not advised of such abuses.

It is known as a fact not disputed here by any one that sundry runaway slaves, three or four at least, are now openly harbored in the camp of the home guards at the fair-grounds at this post and all efforts of their owners to recover them have proven fruitless. These same slaves often appear in U. S. uniform and on one occasion at least had U. S. arms placed in their hands and acted the part of U. S. soldiers inside of the intrenchments here. Surely the Government is not so hard off for soldiers that we have to arm negroes to sustain it. If so I am for peace. When it comes to arming negroes to shoot down and slay our rebellious Southern kindred I, a loyal Connecticut Yankee and proud of the name, will have no hand in it unless I turn rebel against such an infamous policy; but I am for the Union as our fathers fashioned it and all righteous efforts to preserve the same.

Several weeks ago a Mr. Marr, a citizen of Saline County, called upon Colonel Barnes, in command of this post, to recover a negro man belonging to him named Jim. Colonel Barnes (as I learned) upon the advice of Judge George W. Miller, judge of the circuit court (and a prominent Union man), gave Marr an order for his negro then in camp addressed to Major Eppstein,* of the home guards. Major Eppstein said the negro was not in his possession but Captain Biehle had him. The order was then amended addressed to Captain Biehle. Captain Biehle told Mr. Marr to look for his negro but when Marr attempted to do so he was followed by home guards and assailed with clubs and stones until he was compelled to flee for personal safety. Upon a representation of these facts to Colonel Barnes (who has no sufficient force to enforce obedience on the part of home guards) he was advised by Colonel Barnes to go home and offer $100 reward for his negro. This Marr did not do and his negro is still in camp here harbored by home guards.

Hence it is that people here say that your orders in reference to fugitive slaves forbidding them in camp will not be obeyed by subordinates

* See Kelton to Assistant Adjutant-General, Jefferson City, p. 772.

out of your sight, and they cite existing facts here and the recent conduct of Lane and Jennison in evidence of such a belief. To put a correction to this flagrant abuse will I believe require nothing less than the presence of a resolute regular U. S. officer with competent skill, will and authority (and it might be force) to right matters. No such officer is here now it is evident or your instructions would be rigidly enforced.

* * * * * * *

For the facts which I have communicated I refer you to Judge George W. Miller (of circuit court), Judge Lionberger (of county court), Judge Smith (of probate court), and Doctor Trigg, banker, all Union men avowed of position and property. If you dispatch an officer to investigate matters here it will be of great service to the Union cause, if he diligently and with determination does his duty.

Very respectfully, your obedient servant,

ISAAC P. JONES.

ROLLA, *December 2, 1861.*

Col. G. M. DODGE, *Commander of Post at Rolla.*

COLONEL: In obedience to your General Orders, No. 6, I have the honor to report that there are now in my camp and under my control four fugitive slaves belonging to citizens of Southwest Missouri, described as follows:

Name of slave.	Name of owner.	Residence
Moses (boy)	George W. Andrews	Taney County.
Kelly (man)	James Vaughn	Christian County.
Jim (man)	Samuel Green	Webster County.
Viney (woman)	John Wood	Greene County.

In pursuance of your verbal instructions subsequently given I hold them subject to your order. These slaves came with the army from Southwest Missouri. One of the owners (Mr. Green) I believe to be a Union man but in this opinion I may be mistaken. These slaves have been obtained by citizens and brought to my camp for safe-keeping in order to be restored to their owners, and these citizens have acted under my instructions. I am personally acquainted with all of the owners of these slaves. A portion of my own slaves are in my camp. They came when the people fled from Springfield and vicinity with a wagon and team, clothing and supplies for their support. They feared they might be stolen by persons in the army and they fled to me for protection. They will remain with me till I can provide for their comfort and safety.

Yours, respectfully,

JOHN S. PHELPS,
Lieutenant-Colonel.

Extract from President Lincoln's annual message December 3, 1861.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

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Under and by virtue of the act of Congress entitled "An act to confiscate property used for insurrectionary purposes," approved August

6, 1861, the legal claims of certain persons to the labor and service of certain other persons have become forfeited; and numbers of the latter thus liberated are already dependent on the United States and must be provided for in some way. Besides this it is not impossible that some of the States will pass similar enactments for their own benefit respectively and by operation of which persons of the same class will be thrown upon them for disposal. In such case I recommend that Congress provide for accepting such persons from such States according to some mode of valuation in lieu *pro tanto* of direct taxes or upon some other plan to be agreed on with such States respectively; that such persons on such acceptance by the General Government be at once deemed free, and that in any event steps be taken for colonizing both classes (or the one first mentioned if the other shall not be brought into existence) at some place or places in a climate congenial to them. It might be well to consider too whether the free colored people already in the United States could not so far as individuals may desire be included in such colonization.

To carry out the plan of colonization may involve the acquiring of territory and also the appropriation of money beyond that to be expended in the territorial acquisition. Having practiced the acquisition of territory for nearly sixty years the question of constitutional power to do so is no longer an open one with us. The power was questioned at first by Mr. Jefferson who, however, in the purchase of Louisiana yielded his scruples on the plea of great expediency. If it be said that the only legitimate object of acquiring territory is to furnish homes for white men this measure effects that object; for the emigration of colored men leaves additional room for white men remaining or coming here. Mr. Jefferson, however, placed the importance of procuring Louisiana more on political and commercial grounds than on providing room for population.

On this whole proposition including the appropriation of money with the acquisition of territory does not the expediency amount to absolute necessity—that without which the Government itself cannot be perpetuated?

* * * * * * *

ABRAHAM LINCOLN.

Resolution adopted by the House of Representatives December 4, 1861.

Whereas, it is reported that there are confined within the Government jail within the city of Washington fifty-five persons who are not charged with crime but who are suspected of being slaves: Therefore,

Resolved, That the standing committee for the District of Columbia be requested to inquire into the truth of said report and by what authority said persons are held and confined; who are the reputed owners of said persons, and what legislation if any is necessary to relieve said persons from imprisonment and to prevent others from being similarly imprisoned; and that said committee report to the House by bill or otherwise.

DEPARTMENT OF STATE,
Washington City, December 4, 1861.

Maj. Gen. GEORGE B. MCCLELLAN, *Washington.*

GENERAL: I am directed by the President to call your attention to the following subject:

Persons claimed to be held in service or labor under the laws of the State of Virginia and actually employed in hostile service against the Government of the United States frequently escape from the lines of the enemy's forces and are received within the lines of the Army of the Potomac. This Department understands that such persons afterward coming into the city of Washington are liable to be arrested by the city police upon presumption arising from color that they are fugitives from service or labor.

By the fourth section of the act of Congress approved August 6, 1861, entitled "An act to confiscate property used for insurrectionary purposes," such hostile employment is made a full and sufficient answer to any further claim to service or labor. Persons thus employed and escaping are received into the military protection of the United States and their arrest as fugitives from service or labor should be immediately followed by the military arrest of the parties making the seizure.

Copies of this communication will be sent to the mayor of the city of Washington and to the marshal of the District of Columbia that any collision between the civil and military authorities may be avoided.

I am, general, your very obedient servant,

WM. H. SEWARD.

Extract from report of the Secretary of War December 6, 1861.

* * * * * * *

It is already a grave question what shall be done with those slaves who were abandoned by their owners on the advance of our troops into Southern territory, as at Beaufort district in South Carolina. The number left within our control at that point is very considerable and similar cases will probably occur. What shall be done with them? Can we afford to send them forward to their masters to be by them armed against us or used in producing supplies to sustain the rebellion? Their labor may be useful to us. Withheld from the enemy it lessens his military resources and withholding them has no tendency to induce the horrors of insurrection even in the rebel communities. They constitute a military resource, and being such that they should not be turned over to the enemy is too plain to discuss. Why deprive him of supplies by a blockade and voluntarily give him men to produce them?

The disposition to be made of the slaves of rebels after the close of the war can be safely left to the wisdom and patriotism of Congress. The Representatives of the people will unquestionably secure to the loyal slaveholders every right to which they are entitled under the Constitution of the country.

* * * * * * *

SIMON CAMERON,
Secretary of War.

*Resolution introduced in the House of Representatives December 9, 1861.**

Whereas, Major-General Halleck of the Western Department has issued an order prohibiting negroes from coming within the lines of our army and excluding those already under the protection of our troops; and whereas, a different policy and practice prevails in other departments by the direct sanction of the administration; and whereas, said order is cruel and inhuman and in the judgment of this House based upon no military necessity: Therefore,

Resolved, That the President be respectfully requested to direct General Halleck to recall said order or cause it to conform with the practice of the other departments of the army.

WAR DEPARTMENT, *December 12, 1861.*

Maj. Gen. NATHANIEL P. BANKS, *Frederick, Md.*

SIR: I have to call your attention to the accompanying copy of a letter from the Governor of Massachusetts with its inclosure and to suggest that such directions may be given through the proper channel to the officers of your division as may prevent similar complaint for the future of injustice and oppression to negroes visiting the camps in the exercise of lawful occupations.

With great respect, your obedient servant,

SIMON CAMERON,
Secretary of War.

[Inclosure.]

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, December 7, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: I wish to call your attention to the inclosed copy of a recent letter from a reliable source in relation to the use to which Massachusetts soldiers are being put (as is alleged) by Brigadier-General Stone. I cannot for a moment believe that the War Department will countenance such proceedings, and I invoke your interposition not only now but for the future for the issue of such orders as will secure the soldiers of this Commonwealth from being participators in such dirty and despotic work. Massachusetts does not send her citizens forth to become the hunters of men or to engage in the seizure and return to captivity of persons claimed to be fugitive slaves without any recognition or even the forms of law; and I trust you will save our soldiers and our State from such dishonor by the exercise of your official authority in such manner as will insure the protection of our men from such outrages in future and humanity itself from such infractions under color of military law and duty.

I remain, with great respect, your obedient servant,

JOHN A. ANDREW.

[Sub-inclosure.]

CAMP BENTON, *Poolesville, Md., November 28, 1861.*

On Saturday last an order came down from General Stone giving a description of two fugitive slaves and directing their return (in case

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* December 11, 1861, this resolution was laid on the table by a vote of 78 to 64.

they should enter our camp) to their owners whoever they might be. This order it appears was handed by Lieutenant-Colonel Palfrey to the officer of the day, Mr. Macy, of Company I. On Sunday morning several negroes came into camp as usual for the purpose of selling cakes, pies, &c., to the soldiers. Although having eatables for sale some of these negroes were themselves almost famished and were treated to breakfast by the men of one of our German companies. About the time of guard-mounting the vigilant eyes of Lieutenant Macy espied the negroes as they were disposing of their wares through the company streets and leaving the new guard to be mounted as it might he beckoned two of the negroes to the guard-house when he ordered them into arrest, and then immediately detailed a file of soldiers under a sergeant with loaded muskets to escort them to their supposed owners and deliver them up. The procedure was therefore unknown to all save the officers who were parties to it, and the parties who composed the escort had no knowledge that their prisoners were suspected fugitives.

HEADQUARTERS EXPEDITIONARY CORPS,
Port Royal, S. C., December 14, 1861.

General LORENZO THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I have the honor to submit the following to the consideration of the general-in-chief and to the War Department:

* * * * * * *

All our work which is immense is done by volunteer soldiers and it all drags for the want of a sufficient number of able directors. The negro labor expected to be obtained here is so far almost a failure. They are disinclined to labor and will evidently not work to our satisfaction without those aids to which they have ever been accustomed, viz, the driver and the lash. A sudden change of condition from servitude to apparent freedom is more than their intellects can stand, and this circumstance alone renders it a very serious question what is to be done with the negroes who will hereafter be found on conquered soil.

Very respectfully, your obedient servant,

T. W. SHERMAN,
Brigadier-General, Commanding.

HEADQUARTERS EXPEDITIONARY CORPS,
Port Royal, S. C., December 15, 1861.

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: For the information of the proper authorities and for fear lest the Government may be disappointed in the amount of labor to be gathered here from the contrabands I have the honor to report that from the hordes of negroes left on the plantations but about 320 have thus far come in and offered their services. Of these the quartermaster has but about sixty able-bodied male hands, the rest being decrepit and women and children. Several of the 320 have run off. Every inducement has been held out to them to come in and labor for wages and money distributed among those who have labored. The reasons for this apparent failure thus far appear to be these:

First. They are naturally slothful and indolent and have always been accustomed to the lash, an aid we do not make use of.

Second. They appear to be so overjoyed with the change of their condition that their minds are unsettled to any plan.

Third. Their present ease and comfort on the plantations as long as their provisions will last will induce most of them to remain there until compelled to seek our lines for subsistence.

Although comparatively few have thus far come in it is therefore probable that in time many will, and if they are to be received and taken care of some provision should be made to cover them. They are a prolific race and it will be found that for every able-bodied male there will be five to six females, children and decrepit. It is really a question for the Government to decide what is to be done with the contrabands.

Very respectfully, your obedient servant,

T. W. SHERMAN,
Brigadier-General, Commanding.

P. S.—Besides those who have come in there are many still on the plantations employed in gathering cotton.

T. W. S.

HEADQUARTERS CORPS OF OBSERVATION,
Poolesville, December 15, 1861.

Brig. Gen. S. WILLIAMS, *Assistant Adjutant-General.*

GENERAL: I have the honor to inclose herewith a copy of a most extraordinary letter addressed by authority of a governor of a State to the lieutenant-colonel commanding a regiment of U. S. volunteers serving in this division, and respectfully request that the matter may be brought to the attention of the major-general commanding in the hope that he may be able to devise measures which shall in future prevent such unwarrantable and dangerous interference with the subordinate commands of the army. The fact that most of the soldiers in the regiment referred to were enlisted into the service of the United States in the State of which the governor referred to is the respected chief magistrate does not I conceive give his excellency a right to assume control of the interior discipline of the regiment, nor does it give him authority to command the punishment of a meritorious officer for any offense, either real or imaginary.

If the officer referred to has been guilty of any offense (which I am free to say I do not believe he has been) the military law prescribes the mode of preferring charges and the channel through which they shall be preferred as well as the mode of trial and the extent and manner of punishment. While I endeavor to hold those under my command strictly amenable to the stern military law which they have sworn to obey it is equally my duty to protect all whom I have the honor to command against wrongs attempted to be inflicted on them in defiance of the laws of the Union—the supreme laws of the land. Thousands of brave men gathered into the service of the Union (the whole Union) from five or more different States of the Union are now serving in this division and enduring unmurmuringly cold, hardship and fatigue simply because ambitious State officials at the South have unconstitutionally and lawlessly used their power to wrest from the U. S. officials the trusts confided to them by the nation.

The usurpations of those ambitious State authorities commenced in much smaller matters than this of assuming authority in a national

regiment serving in the field against the public enemy far removed from the State of which his excellency is governor. And it matters little to me whether the usurpation comes from South or North, Georgia or Massachusetts, I feel it my duty to bring the matter at once to an issue and if possible to arrest the evil before its natural fruits—open rebellion—shall be produced. The course of Major Anderson one year since in refusing to permit interference in the internal affairs of his command in Fort Sumter on the part of the governor of the State in which he was serving the Union was eminently distasteful to the governor of South Carolina; nevertheless Major Anderson's sense of duty prevented him from fulfilling that governor's desires.

Disagreeable as it may be to me to do anything distasteful to the governor of any State of the Union I do not feel that it is consistent with my sworn duty to permit any governor to give orders affecting the discipline of any regiment which the government of the nation has intrusted to my command. I am not aware that there are here Michigan, New York, Pennsylvania, Minnesota or Massachusetts troops. I do know that there are here U. S. troops collected from all those States; and they are carefully taught that their duty is to serve the United States honestly and faithfully against all those who set themselves in opposition to the Constitution and laws of the United States, whomsoever the oppressors may be.

I will merely add for the satisfaction which I know it will give to the major-general commanding that I do not believe that in the instance of the officer referred to in the letter of the governor nor in any other instance the orders of the War Department in reference to fugitive slaves have been violated by officers of this division; and I am equally happy to state that in no instance within my knowledge and recollection (with one exception) have the laws on the same subject of the State of Maryland in which we are serving been violated by officers of the division. In that exceptional case the officer offending promply retired from the service.

I inclose a copy of General Orders, No. 16, of September 23, 1861,* from these headquarters which will illustrate the course I have pursued here in reference to the loyal citizens of Maryland who are of course to be on a different footing from rebels in arms.

Very respectfully, general, your most obedient servant,

CHAS. P. STONE,
Brigadier-General, Commanding.

[Inclosure.]

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, December 9, 1861.

Lieutenant-Colonel PALFREY,
Comdg. Twentieth Regiment Massachusetts Volunteers.

COLONEL: His excellency, Governor Andrew, directs me to write to you that he is informed upon what he deems reliable authority that an officer of your regiment, Lieutenant (now Captain) Macy, has subjected Massachusetts citizen soldiers to the disgrace of becoming the kidnappers of their fellow-men and returning them into the hands of persons claiming to be their owners without any observance of even the forms of law, either civil or military. His excellency is greatly pained that

* Omitted as unimportant.

the fame of your gallant regiment should have been tarnished by an act on the part of one of its officers, the details of which if correctly reported to him prove him to be unworthy of any position of honor, trust or responsibility in her service or in the service of the Federal Government, and he earnestly hopes that your influence will be exerted to save and protect the soldiers of Massachusetts from any such dirty and despotic work in the future, and humanity itself from such infractions under color of military law and duty.

His excellency also directs me to add that you will oblige him by saying to Captain Macy that had he been informed of his discreditable conduct in this affair after satisfying himself beyond a doubt that he did seize two colored men in the camp of your regiment and order a file of Massachusetts soldiers to guard them and to deliver them into the hands of persons claiming their ownership without investigation and without knowledge that the claimants were loyal or disloyal he would never have signed his commission for promotion, which was done he regrets to say at about the time this infamous procedure is said to have happened.

With great respect, I remain yours, very truly,

THOMAS DREW,
Assistant Military Secretary.

WAR DEPARTMENT,
Washington, December 17, 1861.

Hon. H. HAMLIN, *President of the Senate.*

SIR: In answer to the resolution of the Senate of the 5th instant, asking for copies of any general orders in the Military Department of Missouri relative to fugitive slaves I have the honor to transmit herewith a copy of General Orders, No. 3,* headquarters Department of the Missouri.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

SAINT LOUIS, *December 18, 1861.*

Col. B. G. FARRAR,
Provost-Marshal-General, Dept. of the Missouri, Saint Louis.

COLONEL: From your verbal statements and the written communication submitted by you yesterday I am informed that there are some sixteen negro men confined in the city prisons in your charge and advertised for sale under a statute of this State. You have stated the facts of the case as you understand them; have called my attention to the statute of this State on the subject and to the law of Congress of last session and have asked my orders as to how you shall proceed in this matter—whether to release these men from custody and to place them outside of your particular jurisdiction as a military officer in charge of the prisons in accordance with General Orders, No. 3, of this department or whether the sheriff (who as I understand is now under your orders) is to proceed and sell the said negro men as he has advertised and as is directed by the statute of this State if said statute has not been modified or changed by the law of the last session of Congress.

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* See p. 778 for General Orders, No. 3.

As I am informed most of these negroes came with the forces under Major-General Frémont from Southwestern Missouri and have either been used in the military service against the United States or are claimed by persons now in arms against the Federal Government but that none of them have been condemned in accordance with the act approved August 6, 1861, and that no proceedings for such condemnation have ever been instituted.

As I understand the matter the statute of this State creates the presumption that these men are slaves and if not called for within three months of the date of the advertisement of the sheriff they are to be sold as slaves. It would seem that the act of Congress approved August 6, 1861, if constitutional overrules this statute so far as this presumption is concerned. This act of Congress cannot be regarded as unconstitutional until decided to be so by the United States Supreme Court.

It results then as it seems to me that these negroes are held in custody without the authority of law and contrary to General Orders, No. 3, and you are hereby directed to release them from prison. It appears, however, that they have received from the quartermaster's department certain articles of clothing required for their immediate and pressing necessities with the promise that they would pay for the clothing so delivered to them with their labor. They will therefore be turned over to the chief of the quartermaster's department in this city for labor till they have paid the United States for the clothing and other articles so issued to them at the expense of the Government.

This order will in no way debar anyone from enforcing his legal rights to the services of these negroes. Such rights if any exist can be enforced through the loyal civil tribunals of this State whose mandates will always be duly respected by the military authorities of this department. Military officers cannot decide upon rights of property or claims to service except so far as may be authorized by the laws of war or the acts of Congress. When not so authorized they will avoid all interference with such questions.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

HEADQUARTERS FRÉMONT HUSSARS,
Camp Halleck, near Rolla, Mo., December 19, 1861.

Acting Major-General ASBOTH,
Commanding Fourth Division.

GENERAL: In obedience to the order contained in your circular, No. 2,* received this day I beg to report that on receipt of your orders, No. 23, communicating General Orders, No. 3, from the commanding general, ordering fugitive slaves to be excluded from the lines I caused all negroes in my camp to be examined and it was reported to me that they all stoutly asserted that they were free. Since that time a woman employed in my own mess as cook has been claimed by one Captain Holland as the fugitive slave of his father-in-law. In compliance with your order to that end which he produced she was given up to him. Since the receipt of your circular of to-day I have again caused an investigation to be thoroughly made which has resulted as in the first instance. I beg now, general, to ask for your instructions in the matter. These negroes all claim and insist that they are free. Some of

* Not found.

them I have no question are so; others I have as little doubt have been slaves but no one is here to prove it and I hesitate to take so serious a responsibility as to decide arbitrarily in the absence of any direct evidence that they are such. If I turn them away I inflict great hardship upon them as they would be homeless and helpless; furthermore such a course would occasion much personal inconvenience and sincere regret to other officers no less than to myself. These people are mainly our servants and we can get no others. They have been employed in this capacity for some time—long enough for us to like them as servants, to find them useful and trustworthy and to feel an interest in their welfare. The commanding general in his letter to Colonel Blair as published in the Missouri Democrat of the 16th instant says in explanation of General Orders, No. 3, "Unauthorized persons, black or white, free or slave, must be kept out of our camps." The negroes in my camp are employed in accordance with the Army Regulations as officers' servants, teamsters and hospital attendants and with the exception of one little child are such as we are authorized to have in the camp. It seems to me that they are without the pale of the order and the intention of the commanding general, and I trust that I may be excused for awaiting more explicit instructions before doing what may be an extra-official act at which my private feelings revolt.

I recognize the fact that obedience to General Orders, No. 3, is a part of my military duty and I shall unflinchingly comply with it in the consciousness that I am in no way responsible therefor; but I am personally responsible for my decision when it is to affect the happiness and security of others.

May I ask you, general, to relieve me of this responsibility by giving me your formal decision at your earliest convenience?

Very respectfully, your obedient servant,

GEO. E. WARING, JR.,
Major, Commanding Frémont Hussars.

Resolution adopted by the House of Representatives December 20, 1861.

Resolved, That the Judiciary Committee be instructed to report a bill so amending the fugitive slave law enacted in 1850 as to forbid the recapture or return of any fugitive from labor without satisfactory proof first made that the claimant of such fugitive is loyal to the Government.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, December 20, 1861.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts.

SIR: A letter addressed to Lieutenant-Colonel Palfrey, commanding Twentieth Regiment Massachusetts Volunteers, signed by Thomas Drew, assistant military secretary, and purporting to have been written by your excellency's authority has just been brought to my notice. In this letter Lieutenant-Colonel Palfrey is directed to convey censure and reprimand to an officer of his regiment for acts performed in the line of his military duty. If the officer referred to had been guilty of any infraction of military law or regulation the law itself points out the method and manner for its own vindication and the channel through

which the punishment shall come. Any departure from this rule strikes immediately at the root of all discipline and subordination. The volunteer regiments from the different States of the Union when accepted and mustered into the service of the United States became a portion of the Federal Army and are as entirely removed from the authority of the governors of the several States as are the troops of the regular regiments. As discipline in the service can only be maintained by the strictest observance of military subordination nothing could be more detrimental than that any interference should be allowed outside the constituted authorities.

Trusting that these considerations will commend themselves to your excellency's judgment,

I remain, very respectfully, your obedient servant,

[GEORGE B. McCLELLAN,]
Major-General, Commanding U. S. Army.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Ky., December 22, 1861.

General THOMAS,
Commanding First Division, Lebanon.

SIR: Acting Brigadier-General Carter reports that by your orders it is forbidden to receive fugitive slaves into camp and that occasionally slaves belonging to rebels in East Tennessee make their escape from their owners and apply to him for protection and are employed by officers as servants.

The general directs that exceptions be made in regard to fugitives in such cases.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Assistant Adjutant-General, Chief of Staff.

Resolution adopted by the House of Representatives December 23, 1861.

Resolved, That the Committee on Military Affairs be instructed to report to this House a bill for the enactment of an additional article of war for the government of the Army whereby the officers in the military service of the United States shall be prohibited from using any portion of the forces under their respective commands for the purpose of returning fugitives from service or labor, and providing for the punishment of such officers as may violate said article by dismissal from the service.

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, December 24, 1861.

Maj. Gen. GEORGE B. McCLELLAN,
Commanding U. S. Army.

GENERAL: Your letter dated the 20th instant has at this moment reached me and I deeply regret that a more careful reading of my assistant secretary's note to Lieutenant-Colonel Palfrey should not have prevented the misapprehension of fact and a moment's consideration of the public duty imposed upon me and in reference to which I am bound to act have prevented also the mistake of opinion under which I find your communication written. I beg leave to remind you that

Lieutenant-Colonel Palfrey was not "directed to convey censure and reprimand to an officer of his regiment," but that he was informed that he would confer an obligation on me by saying to the officer in question that had I been apprised of the discreditable conduct to which I alluded at the time when I gave him certain promotion in his regiment that promotion would not have been granted. I presume that Lieutenant-Colonel Palfrey perfectly well knew the distinction between an order from a military superior and a request from another, nor does there seem to me the slightest possibility of mistake between them. But the error of opinion to which I had the honor to allude is not less apparent than the mistake of fact.

Although I am in no sense Lieutenant-Colonel Palfrey's military commander, he being a military officer in the military service of the United States, yet since he is in command of a regiment of Massachusetts Volunteers I have as governor of the Commonwealth furnishing his regiment to the service certain grave and important duties confided to me by the law of the United States in reference to the selection of its officers including not only that of making the original appointments but that also of filling all vacancies as they occur. And in performance of the duty of filling such vacancies I have out of compliment to the officer commanding any regiment in which they occurred always corresponded with such officer (in the spirit of the circular letter* herewith sent for your information) in order to do what I could, first, to secure to every soldier his merited promotion; and, second, to strengthen and confirm the just military and personal influence and control of each colonel in his regiment. But this correspondence implies reciprocal and honorary relations between the colonel and myself. He is bound to deal with me frankly and upon his honor; and I think I have a right to complain rather that your intervention in this instance tends to injure the service by interrupting the proper relations between Massachusetts colonels and their governor than that my letter to Lieutenant-Colonel Palfrey tends to interfere with discipline. For there are two ways of meeting and dealing with the merits and demerits of military subordinates—the one is by reward and the other is by punishment. It is in the power of courts-martial to punish offenses. But they cannot appoint officers nor promote them from one rank to another. This power is possessed by the governors of the States in respect to the volunteer regiments. And thus they are in danger (as anyone would be) of granting substantial advantages to the undeserving and of turning aside the demands of practical and of abstract justice by perverting their incidental power of reward.

Nor, general, as you will at once perceive does the duty of the appointing power stop with simply considering whether a given candidate has been convicted by a court-martial for some offense nor whether he has done something for which he might be amenable to court-martial since one might in due season manifestly deserve promotion notwithstanding that; and on the other hand an officer might by acts and character not open to that sort of legal animadversion be utterly undeserving of the expression of confidence that would be implied in his official promotion. Now assuming the truth of the facts to which reference was made in the letter of my assistant secretary (if they were not true then the observations confessedly did not apply) I found that either by Lieutenant-Colonel Palfrey's inadvertence or otherwise I had made an appointment which I had great reason to regret and which I had and now have good reason to fear weakens the regi-

* Not found.

ment, and especially in reference to its *morale* and self-respect. I felt and still feel that it was my duty to write frankly to Lieutenant-Colonel Palfrey who had recommended the appointment by promotion; and moreover in order that I might not be supposed by the subject of such promotion to have approved his conduct and intended to reward him for doing wrong I thought it my duty to request Lieutenant-Colonel Palfrey to communicate to him the state of my mind in that behalf. And it was Lieutenant-Colonel Palfrey's duty to know whether his subordinate had in the conduct complained of acted under orders to which his position required obedience or whether as I infer is the case it was simply needless and superserviceable. I carefully avoid using his name since it is foreign to my method to injure persons by indirection; while it was in precise accordance with it to make immediate and direct complaint of wrong when most good and the least harm can follow. And in this correspondence with you, general, I carefully avoid alluding to the fact complained of because the matter is one which should I discuss with any officer of the Army—even the general-in-chief—in its relations to military duty I should justly incur the rebuke of the President and of your as well as my own sense of duty.

Permit me, general, most respectfully to add that I trust the opinion expressed in your letter that the volunteer regiments "are as entirely removed from the authority of the governors of the States as are the regular regiments" will be so far modified as to recognize the existence of the powers carefully conferred on the governors by act of Congress.

Heartily uniting with yourself in the most earnest desire for the efficiency, good discipline and honor of the military service, I have the honor to be, with high respect,

Your faithful servant,

JOHN A. ANDREW.

General McCLELLAN.

GENERAL: Williams handed me the inclosed.* He left out your letter to Andrew; therefore I don't know the exact ground you took nor whether you argued it or merely stated it. As he comes back with an argument I thought the true doctrine should be not argued but so stated as to suggest the right argument. He attempts too fine a point when he deduces his right to revile captains and instruct colonels from the power to appoint; it is a simple absurdity which may be not unpleasantly pointed out to him. His doctrine is worse than a Trojan horse to any walled town, camp, army or other military society. The Boston Courier, an able paper, attacked him and justified Stone out and out. I intended to send it to you but forgot it. There is danger in that abolition element unless a little energy check it at the start. I have put Gualt's review in fewer words, except the lecture to the court, which I thought more severe than our usage approves. It is sufficient I think to point out their error. He prefers a more detailed and exact statement than is required in orders.

Glad to hear you are well again.

Very truly,

J. F. LEE,
[*Judge-Advocate.*]

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* Inclosure not found; it obviously related to the discussion with Governor Andrew.

HEADQUARTERS DISTRICT OF SOUTHEAST MISSOURI,
Cairo, December 25, 1861.

Col. J. COOK, *Commanding Fort Holt, Kentucky:*

Your communication in relation to Mr. Mercer* is received. I will see that he does not trouble your camp in future so frequently as formerly. I am satisfied, however, from other evidence than his own of his loyalty and regret that he should have come so much under your suspicion. Whilst we wish to keep everything from the enemy it is our duty to alleviate the hardships consequent upon a state of war of our Union friends in the border States as far as practicable.

I gave permission for a man to go into your camp for the purpose of recovering his fugitive slaves. If General Orders, No. 3, from headquarters Department of the Missouri, had been complied with this would not have been necessary. Mr. Mercer now reports to me that these negroes were found concealed in one of the huts at Fort Holt and that the owner was forcibly prevented from recovering his property. If true this is treating law, the orders of the commander of the Department and my orders with contempt. Mr. Mercer does not charge that this was by your order; but after your attention was called to the fact that fugitive slaves were in your camp as the pass over my signature informed you was probably the fact an investigation should have been had and the negroes driven out.

I do not want the Army used as negro-catchers, but still less do I want to see it used as a cloak to cover their escape. No matter what our private views may be on this subject there are in this department positive orders on the subject and these orders must be obeyed. I direct therefore that you have a search made, and if you find these or any other fugitive slaves in camp at Fort Holt you have them expelled from camp, and if hereafter you find any have been concealed or detained you bring the party so detaining them to punishment.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS FOURTH BRIGADE,
Fort Holt, Ky., December 25, 1861.

Capt. JOHN A. RAWLINS,
Assistant Adjutant-General, District of Cairo.

CAPTAIN: The communication containing special order from the general commanding bearing even date herewith in relation to Mr. Mercer and fugitives from labor has been duly received and am compelled to acknowledge that it has taken me entirely by surprise.

If any act of mine has induced the belief at any time that I desired to oppress loyal citizens in any manner no one could regret it more than I do and none more willing to make the *amende honorable.*

The commanding general gave permission to a man to enter my camp in search of his negroes, and being confined to my bed without stopping to issue my own order for the search and delivery of the fugitives and that the officers at this post might feel the greater weight of the signature of the commanding general I gave it my hearty approval, instructing the adjutant to make authority for search good

* Not found, but see Cook to Grant, November 23, p. 778.

for one day only for the following reason—that I had been informed that citizens of Kentucky had stayed over night in my camp on board young Mr. Mercer's boat without my knowledge. This permit me through you to assure the commanding general was intended for neither disrespect to him or disregard to his order.

As soon after the issue of General Orders, No. 3, headquarters Department of the Missouri, as I discovered the existence of fugitives within my lines I had all that could be found sent beyond the lines, and the guard are regularly instructed not to allow any one to pass unless provided with a pass signed by the commanding general.

The general will doubtless remember the vast length of line the limited number of troops at this post have to guard and will doubtless readily perceive with what little difficulty our lines may be passed either day or night by negroes, since almost if not all the officers employ as servants free negroes from Illinois.

Mr. Mercer reported to the general that the fugitives sought "were found concealed in one of the huts and the owner forcibly prevented from recovering his property."

After Mr. Mercer obtained the authority to make search no obstacle whatever was thrown in his way to successfully execute it. Mr. Utterback reported to the adjutant (not to me) that he had been prevented looking under one of the beds in cavalry quarters, and the adjutant informed me that he returned with Mr. U. in person and remained until a satisfactory search was made, and no complaint whatever has been made to me by Mr. U. or any one else of any threatened violence to any one and especially to parties in the discharge of duty.

The pass over the commanding general's signature to which he alludes received at my hands the earliest attention possible. The delay in its execution was occasioned solely by the lateness of the hour. Mr. Mercer arrived here from Blandville, he having gone there the night before. The pass was dated the 23d instant and was not presented until the 24th.

Please find below copy of order issued in accordance with the general's command:

GENERAL ORDERS, No. 22. } HEADQUARTERS FOURTH BRIGADE, *Fort Holt, Ky., December 25, 1861.*

In pursuance to Special Orders, District of Cairo, Brig. Gen. U. S. Grant commanding, commanding officers of regiments and detachments at Fort Holt, Ky., are required to search or cause to be searched the quarters of their respective commands for fugitive slaves and have all such fugitives forthwith expelled the lines of the camp.

If hereafter any such fugitives are concealed or detained in or about the camp the party or parties so detaining will be brought to punishment.

By order Col. John Cook, commanding Fourth Brigade:

L. R. WALLER,
Acting Assistant Adjutant-General.

No officer more gladly receives or executes to the best of his ability more cheerfully orders emanating from headquarters District of Cairo than does,

Your obedient servant,

JOHN COOK,
Colonel, Commanding Fourth Brigade.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 26, 1861.

General ASBOTH, *Rolla, Mo.*

GENERAL: It would seem from the report of Major Waring* to you (referred to these headquarters) that he had in compliance with your instructions delivered to a Captain Holland a fugitive in his camp claimed by Captain H. as the property of his father-in-law. This is contrary to the intent of General Orders, No. 3.†

The object of those orders is to prevent any person in the army from acting in the capacity of negro-catcher or negro-stealer. The relation between the slave and his master is not a matter to be determined by military officers except in the single case provided for by Congress. This matter in all other cases must be decided by the civil authorities. One object in keeping fugitive slaves out of our camps is to keep clear of all such questions. Masters or pretended masters must establish the rights of property to the negroes as best they may without our assistance or interference except where the law authorizes such interference.

Orders, No. 3, do not apply to the authorized private servants of officers nor to negroes employed by proper authority in camps; it applies only to fugitive slaves. The prohibition to admit them within our lines does not prevent the exercise of all proper offices of humanity in giving them food and clothing outside where such offices are necessary to prevent suffering.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS OF THE ARMY,
Washington, December [27], 1861.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts.

SIR: I have received your excellency's letter of the 24th instant. I regret that you adhere to the opinion expressed in it. I cannot yield mine in a matter of such consequence to the discipline of the Army. You argue that because as governor you appointed a captain of volunteers you may send to him in the service of the United States through his colonel your censures of his military conduct by way of explaining your motives in making the appointment. I am of opinion that as the governor of a State holds no authority over the volunteers in the service of the United States he is not warranted in assuming any such function for any purpose, and that the exercise of it, quite unnecessary in support of the military authority of the United States in opposition to it, must be very mischievous.

In this case you inform the officers that certain acts done "under color of military law and duty" were "dirty and despotic work," "disreputable conduct," "infamous procedure." The acts your excellency so warmly and vehemently denounces were acts under cognizance of the military authority of the United States which that authority is competent to order or forbid, to approve or punish; and which if it approves it cannot permit any other authority to denounce to the troops or cen-

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* See p. 789. † See p. 778.

sure in any way that may tend to excite disobedience or disaffection. The volunteer troops from the States must obey according to the rules and discipline of war the officers appointed over them by the United States. The regimental commanders must not accept nor convey to the officers or soldiers under them any denunciation or any advice, opinion or suggestion from the State authorities in censure of the orders and duty imposed by the United States; and any commander or other person subject to discipline so offending will be liable to answer to a court-martial under the mutiny articles of war for inciting mutiny and sedition.

I trust that your excellency will see that our generals in command of brigades and divisions must find their authority impaired and subverted if governors may instruct the colonels on points of duty. The question is of such magnitude in its consequences that a prompt and energetic settlement of it is indispensable. I entreat your excellency to confide to the United States the conduct of this war in all its relations and the government of the troops furnished to it from the State of Massachusetts.

I have the honor to be,

[GEORGE B. McCLELLAN,
Major-General, Commanding.]

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, December 27, 1861.

Col. JOHN COOK,
Commanding U. S. Forces, Fort Holt, Ky.:

I have the honor to acknowledge the receipt of your communication of the 25th instant relating to the alleged concealment of fugitive slaves at Fort Holt and am instructed by Brig. Gen. U. S. Grant, commanding, to say your explanation of the matter is highly satisfactory but no more so than from all his previous official intercourse with you he had reason to expect.

[JOHN A. RAWLINS,]
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, December 30, 1861.

Colonel RAITH, *Forty-third Illinois Volunteers.*

COLONEL: You will at once turn out of your camp and see sent beyond your lines all negroes not properly there.

By order of General Pope:

———— ————,
Aide-de-Camp.

HEADQUARTERS,
Cape Girardeau, Mo., December 31, 1861.

Brigadier-General GRANT, *Cairo, Ill.:*

I desire to present for your consideration the following question: Doctor Henderson, a slaveholder and secessionist who has contributed greatly to aggravate the present condition of affairs, has a black boy in

the camp whom he desires to recover. Through his wife he has made several ineffectual efforts to induce the boy willingly to go while he still persists in remaining. Agreeable to General Halleck's order I have turned them from our camp. Some have returned. The policy I have hitherto adopted has been to offer no obstacle to the recovery of all fugitives at the same time affording no assistance to those who come for the avowed purpose of such recovery. In this instance I feel that duty as an officer would dictate that so far from sending the black boy back to support the family while the natural protector abandoning them for the purpose of aiding those in arms against us that I should rather retain him in some useful employment for the Government. I am personally free to admit that in my opinion the politic course to be pursued is when the slaves of known rebels come and remain within our lines after exhausting the order of General Halleck to put them as before said in a shape that they may contribute to the general good of the Government.

Still I desire to report the particular case of Doctor Henderson to you that I may obtain the well-digested advice of the district commander. I am satisfied that if those who escape are permitted to return for the purpose of family support Thompson's command in this department will hold together much longer than if the men composing the same could be compelled by the necessities of their families to leave the army for the purpose of their support.

Very truly, yours, respectfully,

L. F. ROSS,
Colonel, Commanding.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 2, 1862.

Brig. Gen. M. C. MEIGS, *Quartermaster-General.*

SIR: The Secretary of War directs that such of the old and infirm negroes of the Arlington estate, Virginia, as may be unable to provide for themselves be furnished with such necessary articles of coarse clothing as the officer commanding at Arlington for the time being may approve and order. The estate is now in the sole possession of the United States, and all the means left for the maintenance of these people have been taken for public purposes. * * *

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington January 7, 1862.

Brig. Gen. AMBROSE E. BURNSIDE,
Commanding Expedition.

GENERAL: * * * I would urge great caution in regard to proclamation. In no case would I go beyond a moderate joint proclamation with the naval commander which should say as little as possible about politics or the negro. Merely state that the true issue for which we are fighting is the preservation of the Union and upholding the laws of

the General Government, and stating that all who conduct themselves properly will as far as possible be protected in their persons and property.

You will please report your operations as often as an opportunity offers itself.

With my best wishes for your success, I am, &c.,

GEO. B. McCLELLAN,
Major-General, Commanding-in-Chief.

P. S.—Any prisoners you take should be sent to the most convenient Northern post. You can, however, exchange any of them for any of your own men who may be taken.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, January 9, 1862.

Colonel CARLIN, *Commanding, Ironton.*

COLONEL: Governor Gamble has referred to me a letter from you to Colonel Murphy, Eighth Iowa [Wisconsin] Infantry, in relation to the delivery of a fugitive slave to his master which order was evaded by Colonel Murphy's command. I think you mistook your duty as a military officer in this matter. I do not consider it any part of the duty of the military to decide upon the rights of master and slave. It is our duty to leave that question for the action of the loyal civil authorities of the State. This is accomplished by keeping all such fugitives out of our camps. This is the object of Orders, No. 3. Those orders should in all cases be enforced and we shall then be freed from these vexatious questions.

I inclose a copy of a letter* to General Asboth in which this view is more fully set forth. I hope you will not permit difficulties of this kind to occur again in your command, for the action of the military in regard to fugitives if once admitted into camp is so liable to be misrepresented and misunderstood.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

FORT TAYLOR, *Key West, January 12, 1862.*

Gen. J. G. TOTTEN, *Chief Engineer, Washington, D. C.*

SIR: After full consideration of the subject in all its bearings I now take the responsibility of proposing that from 100 to 200 able-bodied contrabands or confiscated negroes should be sent here to labor on the fort and towers and for such other public labor as may require them. As I understand the case there are now some thousands of confiscated and derelict negroes being supported by the Government at Fort Monroe and elsewhere without serious need of their services. Here more labor is needed, and as the season advances my white force will dwindle. It is safe to assume that some two or three years of full labor for 250 negroes can be supplied by these works of which about fifty desirable hands can be hired here (slave or free black) at the average rate of $1.40 per diem. To complete an effective force it is necessary to bring from

* For Halleck to Asboth, December 26, 1861, see p. 796.

the North white laborers and pay their passage one way each season. For special and skilled laborers this will always be necessary to some extent of which the local officer can judge.

The establishment of a contraband colony bound to work here say three years unless sooner discharged will effect a verv great saving, as the wages of contrabands aside from rations need not be nearly as high as those now paid. I would not propose the fixing of exact rates though at the first an average allowance might well be indicated by authority the actual payments to be varied up and down according to merit. I attach great importance to this sliding of rates as a disciplinary resource. Whether 100 or 200 should be sent depends I think mainly on the number available. I think too they should if possible be regular confiscates rather than refugees to avoid future reclamations. It will of course be a dictate of common humanity not to separate families and therefore a considerable number of women and children would have to be sent. This climate so admirably adapted to the negro will make their comfortable housing a matter of little expense. The barracoons will go far toward accomplishing this at the start but I think a row of small houses brought out ready framed will be necessary, for which a small rent may be charged which would pay for them in a few years. A system of issuing rations will be essential which could be bought for the fort and charged as stoppages from the rate of pay. Negro board is from $8 to $12 here now, $10 being about the average. The ration would be less and the cooking, &c., could be done by the women. I think the details of living though they would offer more difficulties can be satisfactorily adjusted. I would propose that each man sent and perhaps the women should sign an obligation to serve under the direction of the engineer officer in charge at least three years for such pay as the officer may fix under his instructions.

One point is decidedly important and that is that in selecting negroes to come here under this obligation only those who are well adapted to this object should be chosen. Unless some care is exercised the worst may be sent, which as the Fort Taylor appropriation must pay their passage money and be charged with their support would be detrimental to the Government; nor should a large proportion of women and children be sent. Key West is likely for many years to be the *locale* of Government operations in building the fortifications, naval buildings, excavating a dock, receiving and supplying coal, &c. It will be well to authorize the application of these contrabands to any public use as the engineer officer may think proper, the rates charged being enough above the fort rates to pay a proper share of the expense of bringing out and establishing the colony. With proper management these men may become permanent employés of the Government. The application to be signed might probably be better drawn to serve the Government under the engineer in charge until a regular discharge shall be given. I will append a rough draft of my present idea of this obligation. I think immediate action on this proposition desirable. Believing its policy to be clear I do not by this mail order more white laborers to be sent for the tower works presuming that in a short time the needed force of contrabands can be sent.

If Captain Stewart is still at Old Point and the negroes there are superabundant I suppose he could attend to the selection and shipment, and similarly one of the engineer officers on the southeast coast. It is not my province to indicate how they should be selected and shipped. I may remark, however, that there are quartermaster's and naval transport steamers which could bring them at moderate expense.

I should also wish the engineer agency ordered to forward on Fort Taylor account at once after deciding to send the contrabands proper supplies of pork, corn, rice, &c., for the negroes which may be sent to arrive with them or soon thereafter.

Should the plan of small houses be approved, and I think this would be much the best in the long run for negro families, I would ask you to send the inclosed note which will bring me an offer and specifications from the person I should procure them from and whose special business is with ready-made houses. Should you be sure that as many as ten double houses for two families would be required it would be well could this be stated in forwarding this letter and my brother will communicate the fact to the builder referred to, which would save time.

I am able to add that Major Hill, the commanding officer at Key West, fully approves this plan of a contraband colony and offers to inclose it to the Adjutant-General if desired as being for the advantage of the Government. I shall show him this letter and he may address the proper authorities in consequence. I shall request this believing that his approval will carry great weight should objections arise. This proposition is important not only in its bearing on the fort labor and on the local community but in its larger relations and in its application as a precedent. Having weighed all these aspects and relations with as much care and candor as practicable in advance I do not hesitate to propose action being convinced that it will not only advantage the Government but be what the negroes might most rationally desire.

It will doubtless harm the interests of negro owners here but as I should not propose to reduce the rating of the best trained negroes this would be no decided hardship. They too have so largely acted on and expressed the idea that they had a right to buy negroes to put on the work and that the local force had special almost exclusive rights which they thought invaded by bringing out white laborers from the North that I have no objection to seeing the work made quite independent of such assumptions. On the other hand it is now difficult to get house servants in town so that many families would be glad to hire female servants who may come with the proposed colony.

It is hardly necessary for me further to explain my ideas on this subject as from what I have said the main points can be appreciated and experience will enable the officer charged with their management to meet the practical difficulties which may arise.

Very respectfully, yours, &c.,

E. B. HUNT,
Captain of Engineers.

P. S.—The necessity of regular appropriations to keep the work in progress may I suppose now be assumed as a safe basis for this colony. A failure of appropriation would leave matters no worse than now with these contrabands even were they here to the number of 200.

JANUARY 14.

On further examination I am satisfied that we can put up a row of negro cabins from materials at command here cheaper than to buy ready-made buildings. I therefore withdraw the inclosure referred to before. Major Hill has written to the Adjutant-General approving the proposal and urging that 100 more be sent for general use here.

[Inclosure.]

We, the undersigned, do hereby engage to serve the United States at Key West, Fla., for three years after arriving there or until such time before or after the end of this period as the officer under whom we shall serve may give us severally a regular discharge; and we bind ourselves to the faithful observance of such rules and discipline as may be regularly established for our government under such penalties as the officer under whom we shall serve shall duly impose. This service is to be rendered under the Engineer Department which is to take the expense of transporting us to Key West, to provide for us quarters and rations if desired and to pay us such amounts for our services as the Engineer Department or the local engineers shall fix as right and proper.

SAINT LOUIS, *January 14, 1862.*

Col. L. F. ROSS,
Commanding, Cape Girardeau, Mo.

COLONEL: * * * If General W[atkins] should decide to take the oath all stock taken from him should be returned.

With regard to his slaves if any are in your camp as fugitives they are so held in positive violation of General Orders, No. 3, of 1861, unless such slaves were taken in virtue of the act of Congress. Except in the case provided for by Congress troops should be permitted neither to steal slaves nor to catch and return them to their owners or pretended owners. The military are neither slave-stealers nor slave-catchers. To avoid all difficulties about this matter keep fugitives out of camp and let the question of ownership be decided by the civil tribunals.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS EXPEDITIONARY CORPS,
Port Royal, S. C., January 15, 1862.

ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.:

SIR: I have the honor to ask the attention of the War Department to a subject upon which I have before hinted but which is of so much importance that I cannot refrain from again intruding it upon its notice. Of the large numbers of negroes on the islands in our possession some have come into the camps and obtained work, bringing with them their families. These are therefore cared for, and the work of the able-bodied men—numbering probably one out of five or six of a family—will be sufficient with the rations issued to support them. Those still remaining on the plantations are now living on the corn and potatoes left there, and when these are all consumed the negroes will be in a suffering condition or thrown upon the commissariat of the army for support.

For the future maintenance of these people some system must be established, and one which will permit them to sustain themselves; but before they can be left entirely to their own government they must be trained and instructed into a knowledge of personal and moral responsi-

bility—which will be a matter of time. I have therefore the honor to recommend that suitable instructors be sent them to teach them all the necessary rudiments of civilization, and secondly, in the meantime that agents properly qualified be employed and sent here to take charge of the plantations and superintend the work of the blacks until they are sufficiently enlightened to think and provide for themselves. They should receive wages and the profits of the plantations after all expenses are paid should go to the Government. I can see no other way to lay a groundwork for future usefulness with this unfortunate class of people.

I would also suggest that a quantity of negro clothing be sent out here as soon as practicable, and this should include stuff for women's and children's wear.

Very respectfully, your obedient servant,

T. W. SHERMAN,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, January 19, 1862.

General E. A. PAINE,
Commanding Second Brigade, Fort Jefferson, Ky.:

You will proceed to Bird's Point as soon as practicable with a portion of your command—as much as can be taken—with their baggage with the transportation supplied. On your arrival all citizen prisoners against whom you have no charge will be released and all negroes who have flocked into camp will be permitted to return to their masters. I learn from Colonel Perczel that there are many of this class now in camp who have flocked there through fear. Some discretion will have to be used in forcing these people out of camp now that they are in. I would require all, however, who have masters in camp to take their negroes with them.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, January 28, 1862.

The bearer, James H. Ware, of Pettis County, Mo., has authority from these headquarters to proceed to Saint Louis, Mo., with seven negroes, his property. All officers and soldiers belonging to the armies of the United States are hereby prohibited from molesting or interfering with him in any [way] whatsoever. Mr. Ware will report to General Halleck in Saint Louis and hand to him this authority and safeguard.

[JOHN POPE,]
Brigadier-General, Commanding.

GENERAL ORDERS, No. 5. } HDQRS. DEPT. OF VIRGINIA, &c.,
Fort Monroe, January 30, 1862.

I. Col. T. J. Cram, inspector-general, and Maj. Le Grand B. Cannon, aide-de-camp, are hereby appointed and constituted a commission

for the purpose of making a critical examination of the condition of the persons known as vagrants or contrabands who are employed in this department under Department General Orders, No. 34, of 1861, in reference to their pay, clothing, subsistence, medical attendance, shelter and treatment, physical and moral.

II. Chiefs of the several departments, their subordinates and employés will furnish to the commission such reports and information as the commission may require to enable it to perform the [duty] imposed, the object being to do justice to the claims of humanity in the proper discharge of the grave responsibility thrust upon the military authorities of the department in consequence of numerous persons (men, women and children) already congregated and daily increasing, being abandoned by their masters or having fled to this military command for protection and support.

III. The commission will also examine into the condition of such of the foregoing specified class of persons as have been or are employed under Department Special Orders, No. 72, of 1861, and will further examine whether the several chiefs of departments have a sufficiency or excess of employés or laborers to enable them to discharge with the proper economy, efficiency and dispatch their respective duties and if a greater or less number than are now employed can be economically employed for these duties. It having been reported that the said class of persons known as vagrants or contrabands have not been properly treated in all cases by those having them in charge the commission cannot be too rigid in its examination in order that justice may be done to them as well as to the public service.

IV. The result of the investigations will be reported by the commission to these headquarters as early as practicable with such suggestions as the commission may deem proper for the improvement of the treatment and management of these persons; and the commission is authorized to employ such clerical assistance as it may need to be detailed from this command.

By command of Major-General Wool:

WM. D. WHIPPLE,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Otterville, January 30, 1862.

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COLONEL: The general commanding directs that you investigate the charges contained in the inclosed paper;* that you look through all the companies of your command and if any runaway negro slave be found there that you put the commanding officer of the company having such negro in arrest and prefer charges against him. Your attention is called to General Orders, No. 3, from department headquarters with reference to fugitive slaves.

By order of General Pope:

[C. A. MORGAN,]
Aide-de-Camp.

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* Not found.

OFFICE PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, February 4, 1862.

Maj. Gen. H. W. HALLECK,
Commanding the Department of the Missouri.

GENERAL: There are a number of negroes at the military prison at McDowell's College who were captured with the rebels taken at Blackwater. They have frequently applied to me to be released from the prison. They were employed in hostile service against the Government of the United States contrary to the provisions of the act of Congress of 6th of July, 1861. Before preferring their request to be discharged I asked the opinion of the U. S. district attorney as to the rights of such slaves. Inclosed is his reply.*

Very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

GENERAL ORDERS, No. 9. } HDQRS. EXPEDITIONARY CORPS,
Hilton Head, S. C., February 6, 1862.

I. The helpless condition of the blacks inhabiting the vast area in the occupation of the forces of this command calls for immediate action on the part of a highly favored and philanthropic people.

The occupation of a large portion of this area of country on the 7th of November last led to an address to the people of South Carolina briefly setting forth the causes which led to it, its objects and purposes, and inviting all persons to the reoccupation in a loyal spirit of their lands and tenements and to a continuance of their avocations under the auspices of their legitimate Government and the protection of the Constitution of the United States.

The conciliatory and beneficent purposes of that proclamation except in a few instances have not only been disregarded but hordes of totally uneducated, ignorant and improvident blacks have been abandoned by their constitutional guardians not only to all the future chances of anarchy and of starvation but in such a state of abject ignorance and mental stolidity as to preclude all possibility of self-government and self-maintenance in their present condition.

Adequate provision for the pressing necessities of this unfortunate and now interesting class of people being therefore imperatively demanded even by the dictates of humanity alone an additional duty next only in importance to that of the preservation of a world-revered Constitution and Union is now forced upon us by an unnatural and wicked rebellion.

To relieve the Government of a burden that may hereafter become insupportable and to enable the blacks to support and govern themselves in the absence and abandonment of their disloyal guardians a suitable system of culture and instruction must be combined with one providing for their physical wants.

Therefore until proper legislation on the subject or until orders from higher authority the country in occupation of the forces of this command will be divided off into districts of convenient size for proper superintendence. For each of these districts a suitable agent will be appointed to superintend the management of the plantations by the

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* Not found.

blacks, to enroll and organize the willing blacks into working parties, to see that they are well fed, clad and paid a proper remuneration for their labor, to take charge of all property on the plantations whether found there, provided by the Government or raised from the soil, and to perform all other administrative duties connected with the plantations that may be required by the Government. A code of regulations on this subject as well as a proper division of districts will be furnished in due time.

In the meanwhile and until the blacks become capable of themselves of thinking and acting judiciously the services of competent instructors will be received—one or more for each district—whose duties will consist in teaching them both young and old the rudiments of civilization and Christianity, their amenability to the laws of both God and man, their relations to each other as social beings and all that is necessary to render them competent to sustain themselves in social and business pursuits.

For an efficient and complete organization of this system there will be appointed two general agents—one to have a general superintendence over the administrative or agricultural agents and the other over the educational department.

II. The above system is not intended in any respect to interfere with the existing orders respecting the employment of contrabands by the staff departments of the army and by the cotton agents.

III. As the blacks are now in great need of suitable clothing if not other necessaries of life which necessity will probably continue and even increase until the above system gets into working order the benevolent and philanthropic of the land are most earnestly appealed to for assistance in relieving their immediate wants. Never was there a nobler or more fitting opportunity for the operation of that considerate and practical benevolence for which the Northern people have ever been distinguished.

By order of Brig. Gen. T. W. Sherman:

L. H. PELOUZE,
Captain, Fifteenth Infantry, Acting Assistant Adjutant-General.

HEADQUARTERS EXPEDITIONARY CORPS,
Port Royal, S. C., February 9, 1862.

ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

SIR: The imperative necessity of putting the blacks in the way of avoiding starvation before the planting season expires without a draw on the commissariat to an extent that would cripple the service and for other reasons suggested in the general order which I herewith inclose has induced me to the measures mentioned therein.

I would respectfully ask for a speedy reply to this communication and should the plan be generally approved then how far I shall be authorized to hire instructors. This is a point whereon I have entertained some doubts. I firmly believe, however, that the general agent of instruction should be employed by the Government if not all the instructors; but the latter the district or sub-instructors may possibly be provided by the public charities.

This step which I have taken is of vital importance and to be beneficial for the present year must go into operation at once. The present

condition of the blacks—daily increasing in numbers and daily diminishing in their resources—must be alleviated both for their own welfare and the great cause itself.

No correct census has yet been taken but I estimate the number of blacks now on land in possession of our forces to be at least 9,000, which is probably a low estimate.

Very respectfully, your obedient servant,

T. W. SHERMAN,
Brigadier-General Commanding.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Jefferson City, February 10, 1862.

Capt. N. H. McLEAN:

I return herewith the statement* of Col. Julius White, Thirty-seventh Illinois Regiment, concerning the conduct of his regiment and partly of himself in the abduction of two negro boys belonging to Doctor Moore, of Syracuse. I inclose also the sworn statement* of Doctor Moore in reply to Colonel White. There is no doubt that the negroes are with Colonel White's regiment and that the material facts are as stated in Doctor Moore's affidavit. Colonel White's regiment is at Lebanon under General Curtis' command and I no longer therefore have control over it. I therefore refer these papers to the general commanding the department for such action as he deems proper to take.

I will merely state in this connection that some severe example should be made of regimental and company commanders in relation to the indiscriminate plundering which more and more every day is disgracing the march of our troops. I have given orders to the commanders of columns on the march to Saint Charles to keep mounted patrols on the flanks and rear of their respective columns with orders to shoot any one detected in plundering or outraging the people of the country. I trust sincerely that some severe and public example will be made upon the first opportunity. It is nearly impossible without stratagem to fix such acts upon individuals or to prevent their occurrence when officers and men are alike concerned in them either actively or passively.

I am, captain, respectfully, your obedient servant,

[JNO. POPE,]
Brigadier-General, Commanding.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, February 12, 1862.

Brig. Gen. THOMAS W. SHERMAN, U. S. ARMY,
Commanding, &c., Port Royal, S. C.

SIR: The general-in-chief directs that you send about 300 or 400 contrabands to Key West to be employed on the public works there.

I am, &c.,

L. THOMAS,
Adjutant-General.

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* Not found.

INDIANAPOLIS, *February 25, 1862.*

Major-General HALLECK:

Among the prisoners here are fifteen or twenty negroes who are claimed by officers as slaves and servants. What shall be done with them?

O. P. MORTON,
Governor of Indiana.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 25, 1862.

Governor MORTON, *Indianapolis:*

Let the negroes go if they wish it; if they prefer to stay they must be under military police and not allowed to go out and in the camp or barracks.

H. W. HALLECK,
Major-General.

GENERAL ORDERS, No. 14. } HDQRS. DIST. OF WEST TENNESSEE,
Fort Donelson, February 26, 1862.

General Orders, No. 3, of the series of 1861, from headquarters Department of the Missouri, are still in force and must be observed.

The number of citizens who are applying for permission to pass through the camps to look for their fugitive slaves proves the necessity of the order and its faithful observance. Such permits cannot be granted; therefore the great necessity of keeping out fugitives. Such slaves as were within the lines at the time of the capture of Fort Donelson and such as have been used by the enemy in building the fortifications or in any way hostile to the Government will not be released or permitted to return to their masters but will be employed in the quartermaster's department for the benefit of Government.

All officers and companies now keeping slaves so captured will immediately report them to the district quartermaster. Regimental commanders will be held accountable for all violations of this order within their respective commands.

By order of Brig. Gen. U. S. Grant, commanding:

JNO. A. RAWLINS,
Assistant Adjutant-General.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, March 3, 1862.

The POLICE COMMISSIONERS,
Saint Louis, Mo.

GENTLEMEN: The city policemen are in the habit of arresting negroes as runaways, and frequently arrest or attempt to arrest the servants of the army officers who are put to the trouble of obtaining orders to prevent their servants from being taken from them on the very eve of their leaving the city. This is exceedingly annoying to officers under marching orders. They do not desire to be considered as resisting any civil process. It is not their intention nor the intention of the military authorities to interfere with or prevent the owner of a slave from pursuing his legal remedies to recover his slave. But

I have to request that hereafter the city police be confined in their arrests of negroes as runaways strictly to such negroes as may be in a legal manner claimed by his or her owner. Negroes must be arrested as runaways or fugitives from labor by a writ issued from a court having jurisdiction of the case. This is necessary in order that the slave may have the opportunity to plead the act of Congress of July, 1862.

I am, very respectfully, gentlemen, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Nashville, March 6, 1862.

Hon. J. R. UNDERWOOD,
Chairman Military Committee, Frankfort, Ky.

DEAR SIR: I have had the honor to receive your communication of the 1st instant on the subject of fugitive slaves in the camps of the army.

It has come to my knowledge that slaves sometimes make their way improperly into our lines and in some instances they may be enticed there but I think the number has been magnified by report. Several applications have been made to me by persons whose servants have been found in our camps and in every instance that I know of the master has recovered his servant and taken him away.

I need hardly remind you that there will always be found some lawless and mischievous persons in every army; but I assure you that the mass of this army is law-abiding and that it is neither its disposition nor its policy to violate law or the rights of individuals in any particular.

With great respect, your obedient servant,

D. C. BUELL,
Brigadier-General, Commanding Department.

Resolution adopted by the House of Representatives March 7, 1862.

Resolved, That the Secretary of War communicate to this House the number, age and condition of the Africans who have been under the supervision of Major-General Wool, commanding at Fortress Monroe, Va., since he has had command of that division, together with the amount of work or service performed by them, the pay if any which they have received and the cost to the Government for their maintenance and support.

EM. ETHERIDGE,
Clerk.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, March 8, 1862.

WIGGINS FERRY COMPANY,
Saint Louis, Mo.

GENTLEMEN: Complaints are made at this office by parties having negroes in their possession and claiming to be the owners of such negroes—and that too where there is no adverse claim—that they are being denied and delayed in crossing the river to Illinois, and applica-

tions for passes and orders are so frequent that I have to request you to observe the following general rule in such cases: The possession of a negro as of any other personal property is prima facie evidence of title and unless the title of the person applying for ferriage for his negro is questioned in a legal manner—that is unless he is claimed with a writ issued from a court of competent jurisdiction—you will permit such person to cross with his or her negroes. Instructions have been issued from this office that no negro shall be arrested while in the possession of a white man claiming him under the act concerning runaway slaves except by a writ issued from a proper court. [Letterpress copy illegible.]

[BERNARD G. FARRAR,
Provost-Marshal-General.]

GENERAL ORDERS, No. 2. } HDQRS. ROANOKE ISLAND, N. C., *March 12, 1862.*

The contrabands at this post will hereafter be placed in the employ of the Government upon the following terms, viz:

1. Men will receive $10 per month, one ration and soldier's allowance of clothing.

2. Women will receive $4 per month, one ration and allowance in money equal to and in lieu of soldier's allowance of clothing.

3. Boys between the ages of twelve and sixteen will receive $4 per month, one ration and soldier's allowance of clothing.

4. All children under the age of twelve will receive one ration and remain with their parents.

5. The above regulations apply only to contrabands in the public service. When in the employ of officers or any other persons as servants or in any other capacity they will be paid by the person in whose employ they are an amount in money equal to the sum total of the clothing allowance, rations and money expressed in the above regulations.

All persons at this post having contrabands in their employ or under their control will report in writing to these headquarters their names, ages, sex, where they come from, the names of their owners and how long and by whom they have been employed.

In all cases they will be treated with great care and humanity. It is to be hoped that their helpless and dependent condition will protect them against injustice and imposition.

By order of Col. R. C. Hawkins, commanding the post:

JOHN E. SHEPARD,
Acting Assistant Adjutant-General.

Additional article of war approved March 13, 1862.

ARTICLE 102. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due; and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service.

SECTION 2. That this act shall take effect from and after its passage.

HDQRS. THIRD BRIGADE, EXPEDITIONARY CORPS,
Fernandina, Fla., March 13, 1862.

Capt. LOUIS H. PELOUZE,
Acting Assistant Adjutant-General.

CAPTAIN: I have to report in regard to the slaves found here and those who have since come in that I have not attempted to interfere with the rights of the owner so long as he remained within our lines and conducted himself in a quiet and orderly manner but that I have refused permission to remove any slave from the limits of the command on any plea whatever.

I have conceived that the property of citizens in slaves should be protected to the extent referred to and shall continue the same policy in regard to them unless I receive instructions to the contrary.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Brigadier-General, Commanding.

[Indorsement.]

Approved.
By order of Brigadier-General Sherman:

L. H. PELOUZE,
Acting Assistant Adjutant-General.

MARCH 15, 1862.

Resolution adopted by the House of Representatives March 17, 1862.

Resolved, That the Committee for the District of Columbia be instructed to inquire into the facts and ascertain and report to this House by what authority of law Mrs. Biscoe, living on Dumbarton street in Georgetown, seized or caused to be seized two men, namely, Lewis Ayers and Washington Watts; and also by what authority of law or legal process these men have been sent to Baltimore and immured in jail, and whether the arrest and imprisonment is not a direct violation of that provision of the Constitution (the fifth article of amendments) which says that no person shall be deprived of his life or liberty without due process of law.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, March 18, 1862.

JOHN W. HARDING, Esq., *Tipton, Mo.*

SIR: Yours of the 16th instant is at hand. It is neither the duty nor the privilege of the military authorities to interfere in the settlement of any question as to the right of property between citizens nor between a man and his negro. The question of title to the negro child is one for the civil courts. You have all your remedies at law. The troops are forbidden to interfere in the matter in any way whatever and if any of them do so they will be punished for disobedience of orders. The courts are open to you and Mr. Hoehn to settle your dispute as to the title of the negro. Having it in possession you cannot be deprived of that possession except by due process of law.

By order of Lieut. Col. B. G. Farrar, provost-marshal-general:

Very respectfully, your obedient servant,

THO. C. FLETCHER,
Assistant.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, March 21, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington:

I have the honor to report the following movements in my department since my hurried report of the 16th instant. * * *

I appointed General Foster military governor of the city and its vicinity and he has established a most perfect system of guard and police. Nine-tenths of the depredations on the 14th after the enemy and citizens fled from the town were committed by the negroes before our troops reached the city. They seemed to be wild with excitement and delight. They are now a source of very great anxiety to us. The city is being overrun with fugitives from the surrounding towns and plantations. Two have reported themselves who have been in the swamps for five years. It would be utterly impossible if we were so disposed to keep them outside of our lines, as they find their way to us through woods and swamps from every side. By my next dispatch I hope to report to you a definite policy in reference to this matter, and in the meantime shall be glad to receive any instructions upon the subject which you may be disposed to give.

* * * * * * *

I have the honor to be, sir, your very obedient servant,
A. E. BURNSIDE,
Brigadier-General, Commanding Department of North Carolina.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 22, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to transmit herewith in conformity to a call by a resolution of the House of Representatives a report* of the number, age and condition of the Africans in this department. The information which it contains is I believe in all respects correct, and was obtained by three commissioners, Col. T. J. Cram, Col. Le Grand B. Cannon and Maj. William P. Jones, aides-de-camp on my staff, after a very rigid examination and investigation under General Orders, No. 5,† dated 30th of January, 1862.

I have the honor to be, very respectfully,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, March 23, 1862.

General SAMUEL R. CURTIS:

It is reported that the enemy has about 100 negroes engaged in the saltpeter works in Marion County, a little east of Worth. They are guarded by only one company. A detachment of cavalry from Springfield could destroy these works and free the negroes as being employed in enemy's service.

H. W. HALLECK,
Major-General.

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*Omitted. †See Wool's orders, No. 5, January 30, p. 803.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, March 27, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington:

* * * The negroes continue to come in and I am employing them to the best possible advantage, a principal part of them on some earth fortifications in the rear of the city which will enable us to hold it with a small force when it becomes necessary to move with the main body.

* * * * * * *

I have the honor to be, sir, very respectfully, your obedient servant,
A. E. BURNSIDE,
Brigadier-General, Commanding Department of North Carolina.

HDQRS. SECOND REGIMENT, EXCELSIOR BRIGADE,
Camp Hall, March 27, 1862.

Lieut. J. L. PALMER, Jr.,
Aide-de-Camp and Acting Assistant Adjutant-General.

LIEUTENANT: In compliance with verbal directions from Brig. Gen. D. E. Sickles to report as to the occurrence at this camp on the afternoon of the 26th instant I beg leave to submit the following:

At about 3.30 p. m. March 26, 1862, admission within our lines was demanded by a party of horsemen (civilians) numbering perhaps fifteen. They presented the lieutenant commanding the guard with an order of entrance from Brig. Gen. Joseph Hooker, commanding division (copy appended), the order stating that nine men should be admitted. I ordered that the balance of the party should remain without the lines which was done. Upon the appearance of the others there was visible dissatisfaction and considerable murmuring among the soldiers to so great an extent that I almost feared for the safety of the slave owners. At this time General Sickles opportunely arrived and instructed me to order them outside the camp which I did amidst the loud cheers of our soldiers. It is proper to add that before entering our lines and within about 75 or 100 yards of our camp one of their number discharged two pistol shots at a negro who was running past them with an evident intention of taking his life. This justly enraged our men.

All of which is respectfully submitted.

Your obedient servant,
JOHN TOLER,
Major, Commanding Second Regiment, Excelsior Brigade.

[Inclosure.]

HEADQUARTERS HOOKER'S DIVISION,
Camp Baker, Lower Potomac, March 26, 1862.

TO BRIGADE AND REGIMENTAL COMMANDERS OF THIS DIVISION:

Messrs. Nally, Gray, Dummington, Dent, Adams, Speake, Price, Posey and Cobey, citizens of Maryland, have negroes supposed to be with some of the regiments of this division. The brigadier-general commanding directs that they be permitted to visit all the camps of his command in search of their property and if found that they be allowed to take possession of the same without any interference whatever.

Should any obstacle be thrown in their way by any officer or soldier in the division they will be at once reported by the regimental commanders to these headquarters.

By command of Brigadier-General Hooker:

JOSEPH DICKINSON,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, March 29, 1862.

Maj. Gen. D. HUNTER, U. S. Volunteers,
Commanding Department of the South, Port Royal, S. C.

GENERAL: Brigadier-General Brannan has requested that 200 contrabands be sent from Port Royal for the public works at Fort Jefferson, Tortugas. The Secretary of War directs that they be sent accordingly.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 1, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding Department of Virginia, Fort Monroe.

SIR: On the 12th ultimo a copy was sent to you of the resolution of the House of Representatives of the 7th of March, 1862, calling for information relative to the number, age and condition of the Africans who have been under your supervision while in your present command, with the amount of work performed by them, the pay received and the cost to the Government for their support and you were requested to report upon the same.

As the Secretary is anxious to receive this information I have to request that you will please cause it to be furnished without delay. Please inform me immediately if the copy has been received by you.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, April 2, 1862.

Col. ROBERT J. ROMBAUER, *Pacific.*

COLONEL: Your letter of the 1st instant* concerning Langston Goode and his negroes is received. Goode must pursue his legal remedy to recover his negroes. He can take them by a proper writ issued from a court of competent authority in the hands of a proper officer and no obstacles will be put in the way of the execution of such process. The U. S. forces will leave negroes and their owners to settle their affairs by civil process and will not engage in the restoration of fugitives nor will they take negroes from their masters.

Very respectfully, yours,

BERNARD G. FARRAR,
Provost-Marshal-General.

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*Not found.

HDQRS. MILITARY DEFENSES NORTH OF THE POTOMAC,
Washington, April 6, 1862.

Lieut. Col. JOHN D. SHAUL,
Commanding Seventy-sixth Regiment New York Volunteers.

SIR: I am directed by General Doubleday to say in answer to your letter of the 2d instant that all negroes coming into the lines of any of the camps or forts under his command are to be treated as persons and not as chattels.

Under no circumstances has the commander of a fort or camp the power of surrendering persons claimed as fugitive slaves as it cannot be done without determining their character.

The additional article of war recently passed by Congress* positively prohibits this.

The question has been asked whether it would not be better to exclude negroes altogether from the lines. The general is of the opinion that they bring much valuable information which cannot be obtained from any other source. They are acquainted with all the roads, paths, fords and other natural features of the country and they make excellent guides. They also know and frequently have exposed the haunts of secession spies and traitors and the existence of rebel organizations. They will not therefore be excluded.

The general also directs me to say that civil process cannot be served directly in the camps or forts of his command without full authority be obtained from the commanding officer for that purpose.

I am, very respectfully, your obedient servant,
E. P. HALSTED,
Acting Assistant Adjutant-General.

GENERAL ORDERS, No. 7. } HDQRS. DEPT. OF THE SOUTH,
Fort Pulaski, Cockspur Island, Ga.,
April 13, 1862.

All persons of color lately held to involuntary service by enemies of the United States in Fort Pulaski and on Cockspur Island, Ga., are hereby confiscated and declared free in conformity with law, and shall hereafter receive the fruits of their own labor. Such of said persons of color as are able bodied and may be required shall be employed in the quartermaster's department at the rates heretofore established by Brig. Gen. T. W. Sherman.

By command of Maj. Gen. David Hunter:
CHAS. G. HALPINE,
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Columbus, Ohio, April 21, 1862.

Hon. DAVID TOD, *Governor of Ohio.*

DEAR SIR: * * * It is not deemed necessary to detain any longer as prisoners of war the negroes now at Camp Chase and I request you will cause them to be released, but as many of these persons have had no experience in providing for themselves I would advise that only three or four be released at a time to give them the better opportunity of finding employment and to prevent excesses

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* See p. 810.

which might grow out of the association of a number of destitute and ignorant persons whose numbers and necessities might lead them to serious crimes.

I am, very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, April 21, 1862.

Col. J. C. KELTON, *Assistant Adjutant-General.*

COLONEL: I have the honor to return the communication of John M. Krum to Brigadier-General Schofield dated April 11, 1862, referred to me from department headquarters April 19, 1862, and beg to say that the subject-matter of said communication has received my careful attention and was by me brought to the notice of Major-General Halleck and my action on the subject was taken with his knowledge and in the exercise of a discretionary power to which he submitted the whole subject.

Whelan is a citizen of Mississippi; came here in August last; purchased some negroes and obtained possession of others in a manner not accounted for; attempted to take them South in violation of the proclamation of the President concerning intercourse and the orders of the commanding general of the department. In a former communication to General Schofield on the same subject he admits the fact he was caught in the act and resorted to every conceivable dodge to screen himself—claimed to be a British subject; has since filed an oath of allegiance; and before the first arrest and before he claimed to be a British subject he claimed to be a loyal citizen. The negroes he has acquired in a manner at once showing an intention to hazard them in getting through the blockade. They were in no instance purchased at prices and under circumstances showing fair dealing. The whole case is one certainly calling for the interference of the military authorities and by the proclamation and orders the negroes are confiscate and I shall so treat them.

I am, very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

U. S. STEAMER STATE OF GEORGIA,
May 1, 1862.

General AMBROSE E. BURNSIDE,
Commanding Department of North Carolina, New Berne.

GENERAL: * * * The citizens of Beaufort are after me on the negro question. They want me to prevent the slaves coming within our lines. I tell them I can use no force to aid them in recovering their negroes; at the same time if they can prevail on the negroes to go home I am perfectly willing and satisfied. I can furnish them no aid or assistance, and at the same time will not permit any disturbance in camp.

Yours, faithfully,

JNO. G. PARKE.

U. S. ATTORNEY-GENERAL'S OFFICE, *May 10, 1862.*

Excellency A. W. BRADFORD,
Governor of Maryland, Annapolis.

SIR: I am honored with your letter* of yesterday informing me that large numbers of slaves owned in Maryland are daily making their way into the District of Columbia from the neighboring counties of your State which you assure me is producing great anxiety and complaint in your community and that such anxiety is greatly increased within the last few days by information received—

That the Government has forbidden the marshal of the District to execute any warrants for the arrest of these slaves upon the ground as it is suggested that the fugitive-slave law is not applicable to the District of Columbia.

In these distempered times I am not at all surprised to hear that slaves in the border States are using all available means to escape into free territory but the rumor you speak of to the effect that the Government has ordered the marshal of the District not to serve warrants in execution of the fugitive-slave law is to me new and unexpected. I know nothing of any such order and do not believe any such exists. The act of Congress of August 2, 1861, chapter 37, charges this office with the general superintendence and direction of the district attorneys and marshals as to the manner of discharging their respective duties. And hence I suppose it very probable that if such an order had been given I would know it. I think none such was ever given. The rumor I suppose to be a mere fiction started by some evil-disposed person to stir up bad feeling and to frighten the timid and credulous.

I have the honor to be, with great respect, your obedient servant,

EDW. BATES,
Attorney-General.

An act passed by the House of Representatives May 12, 1862.†

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That slavery or involuntary servitude in all cases whatsoever (other than in the punishment of crime whereof the party shall have been duly convicted) shall henceforth cease and be prohibited forever in all the Territories of the United States now existing or hereafter to be formed or acquired in any way.

SEC. 2. That any person now held or attempted to be held hereafter as a slave in any of the places above named is hereby declared to be free, and the right to freedom hereby declared may be asserted in any of the courts of the United States or of the several States in behalf of the party or his or her posterity after any lapse of time.

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*Not found.

†June 9, the Senate adopted the following as a substitute:

"That from and after the passage of this act there shall be neither slavery nor involuntary servitude in any of the Territories of the United States now existing or which may at any time hereafter be formed or acquired by the United States otherwise than in punishment of crimes whereof the party shall have been duly convicted."

The House concurred with the Senate June 17.

OFFICE OF PROVOST-MARSHAL-GENERAL,
DEPARTMENT OF THE MISSOURI,
Saint Louis, May 17, 1862.

The bearer of this, Wayne, a negro boy aged about sixteen years having been used for hostile purposes against the Government of the United States as appears from the evidence submitted to the provost-marshal-general is by the laws of the United States entitled to his freedom, and he cannot again be held to service or labor by his former master or owner or other person claiming to own his services unless the prima facie case made before me is satisfactorily disproved on a trial in a court of competent jurisdiction.

By order of Lieut. Col. Bernard G. Farrar, provost-marshal-general:

THO. C. FLETCHER,
Assistant.

PROCLAMATION.

Whereas, there appears in the public prints what purports to be a proclamation of Major-General Hunter in the words and figures following, to wit:

GENERAL ORDERS, No. 11. } HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., May 9, 1862.

The three States of Georgia, Florida and South Carolina, comprising the Military Department of the South, having deliberately declared themselves no longer under the protection of the United States of America and having taken up arms against the said United States it becomes a military necessity to declare them under martial law. This was accordingly done on the 25th day of April, 1862. Slavery and martial law in a free country are altogether incompatible; the persons in these three States—Georgia, Florida and South Carolina—heretofore held as slaves are therefore declared forever free.

DAVID HUNTER,
Major-General, Commanding.

And whereas, the same is producing some excitement and misunderstanding:

Therefore, I, Abraham Lincoln, President of the United States, proclaim and declare that the Government of the United States had no knowledge, information or belief of an intention on the part of General Hunter to issue such a proclamation nor has it yet any authentic information that the document is genuine. And further that neither General Hunter nor any other commander or person has been authorized by the Government of the United States to make proclamations declaring the slaves of any State free; and that the supposed proclamation now in question whether genuine or false is altogether void so far as respects such declaration.

I further make known that whether it be competent for me as Commander-in-Chief of the Army and Navy to declare the slaves of any State or States free, and whether at any time in any case it shall have become a necessity indispensable to the maintenance of the Government to exercise such supposed power are questions which under my responsibility I reserve to myself and which I cannot feel justified in leaving to the decision of commanders in the field. These are totally different questions from those of police regulations in armies and camps.

On the 6th day of March last by a special message I recommended to Congress the adoption of a joint resolution to be substantially as follows:

Resolved, That the United States ought to co-operate with any State which may adopt a gradual abolishment of slavery, giving to such State pecuniary aid to be used by such State in its discretion to compensate for the inconveniences public and private produced by such change of system.

The resolution in the language above quoted was adopted by large majorities in both branches of Congress and now stands an authentic, definite and solemn proposal of the nation to the States and people most immediately interested in the subject-matter. To the people of those States I now earnestly appeal; I do not argue, I beseech you to make the argument for yourselves; you cannot if you would be blind to the signs of the times; I beg of you a calm and an enlarged consideration of them, ranging if it may be far above personal and partisan politics. This proposal makes common cause for a common object casting no reproaches upon any; it acts not the Pharisee. The changes it contemplates would come gently as the dews of Heaven, not rending or wrecking anything. Will you not embrace it? So much good has not been done by one effort in all past time as in the Providence of God it is now your high privilege to do. May the vast future not have to lament that you have neglected it.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, May 19, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: * * * There is much true loyalty here and all people are heartily sick of the war and are very much exercised lest their own State should be made the next battle-ground. They have been taught that the institution of slavery which their leaders have made them believe is a great element of strength is in fact an element of weakness. Wherever the Union arms have made a lodgment they have lost the entire control of their slaves, and they are quite convinced that if the slave States formed a recognized government independent of the North we would not make war upon them with the same leniency that we do now but would use this element against them with very great success.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,
A. E. BURNSIDE,
Major-General, Commanding Department of North Carolina.

Resolution adopted by the House of Representatives June 9, 1862.

Resolved, That the Secretary of War be directed to inform this House if General Hunter of the Department of South Carolina has organized a regiment of South Carolina volunteers for the defense of the Union composed of black men (fugitive slaves) and appointed the colonel and other officers to command them.

Second. Was he authorized by the Department to organize and muster into the Army of the United States as soldiers the fugitive or captive slaves?

Third. Has he been furnished with clothing, uniforms, &c., for such force?

Fourth. Has he been furnished by order of the Department of War with arms to be placed in the hands of these slaves?

Fifth. To report any orders given said Hunter and correspondence between him and the Department.

WAR DEPARTMENT,
Washington, June 14, 1862.

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

SIR: * * * I have the honor to inform the House—

1. That this Department has no official information whether General Hunter, of the Department of the South, has or has not organized a regiment of South Carolina Volunteers for the defense of the Union composed of black men—fugitive slaves—and appointed the colonel and other officers to command them. In order to ascertain whether he has done so or not a copy of the House resolution has been transmitted to General Hunter with instructions to make immediate report thereon.

2. General Hunter was not authorized by the Department to organize and muster into the Army of the United States the fugitive or captive slaves.

3. General Hunter upon his requisition as commander of the [Department of the] South has been furnished with clothing and arms for the force under his command without instructions as to how they should be used.

4. He has not been furnished by order of the Department of War with arms to be placed in the hands of "these slaves."

5. In respect to so much of said resolution as directs the Secretary "to report to the House any orders given said Hunter, and correspondence between him and the Department," the President instructs me to answer that the report at this time of the orders given to and correspondence between General Hunter and this Department would, in his opinion, be improper and incompatible with the public welfare.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE SOUTH,*
Port Royal, S. C., June 23, 1862.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of a communication from the Adjutant-General of the Army, dated June 13, 1862,

* Secretary Stanton's letter of July 2, 1862, transmitting this letter to the House of Representatives, is omitted as unimportant.

requesting me to furnish you with the information necessary to answer certain resolutions introduced in the House of Representatives June 9, 1862, on motion of the Hon. Mr. Wickliffe, of Kentucky, their substance being to inquire:

1. Whether I had organized or was organizing a regiment of "fugitive slaves" in this department?
2. Whether any authority had been given to me from the War Department for such organization; and
3. Whether I had been furnished by the War Department with clothing, uniforms, arms, equipments, etc., for such a force?

Only having received the letter covering these inquiries at a late hour on Saturday night I urge forward my answer in time for the steamer sailing to-day (Monday), this haste preventing me from entering as minutely as I could wish upon many points of detail such as the paramount importance of the subject calls for. But in view of the near termination of the present session of Congress and the widespread interest which must have been awakened by Mr. Wickliffe's resolutions I prefer sending even this imperfect answer to waiting the period necessary for the collection of fuller and more comprehensive data.

To the first question therefore I reply that no regiment of "fugitive slaves" has been or is being organized in this department. There is however a fine regiment of persons whose late masters are "fugitive rebels"—men who everywhere fly before the appearance of the national flag, leaving their servants behind them to shift as best they can for themselves. So far indeed are the loyal persons composing this regiment from seeking to avoid the presence of their late owners that they are now one and all working with remarkable industry to place themselves in a position to go in full and effective pursuit of their fugacious and traitorous proprietors.

To the second question I have the honor to answer that the instructions* given to Brig. Gen. T. W. Sherman by the Hon. Simon Cameron, late Secretary of War, and turned over to me by succession for my guidance do distinctly authorize me to employ all loyal persons offering their services in defense of the Union and for the suppression of this rebellion in any manner I might see fit or that the circumstances might call for. There is no restriction as to the character or color of the persons to be employed or the nature of the employment—whether civil or military—in which their services should be used. I conclude therefore that I have been authorized to enlist "fugitive slaves" as soldiers could any such be found in this department. No such characters however have yet appeared within view of our most advanced pickets—the loyal slaves everywhere remaining on their plantations to welcome us, aid us and supply us with food, labor and information. It is the masters who have in every instance been the "fugitives," running away from loyal slaves and loyal soldiers and whom we have only partially been able to see—chiefly their heads over ramparts or rifle in hand dodging behind trees in the extreme distance. In the absence of any "fugitive-master law" the deserted slaves would be wholly without remedy had not the crime of treason given them the right to pursue, capture and bring back those persons of whose protection they have been thus suddenly bereft.

To the third interrogatory it is my painful duty to reply that I never have received any specific authority for issues of clothing, uniforms, arms, equipments and so forth to the troops in question. My general

* For Cameron's instructions to T. W. Sherman, see p. 773. See also Cameron to Butler, May 30, 1861, p. 754, and Cameron to Butler, August 8, 1861, p. 761.

instructions from Mr. Cameron to employ them in any manner I might find necessary, and the military exigencies of the department and the country being my only but in my judgment sufficient justification. Neither have I had any specific authority for supplying these persons with shovels, spades and pickaxes when employing them as laborers, nor with boats and oars when using them as lightermen; but these are not points included in Mr. Wickliffe's resolution. To me it seemed that liberty to employ men in any particular capacity implied with it liberty also to supply them with the necessary tools and acting upon this faith I have clothed, equipped and armed the only loyal regiment yet raised in South Carolina.

I must say, in vindication of my own conduct, that had it not been for the many other diversified and imperative claims on my time and attention a much more satisfactory result might have been hoped for, and that in place of only one, as at present, at least five or six well-drilled, brave and thoroughly-acclimated regiments should by this time have been added to the loyal forces of the Union. The experiment of arming the blacks, so far as I have made it, has been a complete and even marvelous success. They are sober, docile, attentive and enthusiastic, displaying great natural capabilities for acquiring the duties of the soldier. They are eager beyond all things to take the field and be led into action and it is the unanimous opinion of the officers who have had charge of them that in the peculiarities of this climate and country they will prove invaluable auxiliaries, fully equal to the similar regiments so long and successfully used by the British authorities in the West India islands.

In conclusion I would say it is my hope—there appearing no possibility of other re-enforcements, owing to the exigencies of the campaign in the Peninsula—to have organized by the end of next fall, and to be able to present to the Government, from 48,000 to 50,000 of these hardy and devoted soldiers.

Trusting that this letter may form part of your answer to Mr. Wickliffe's resolutions,

I have the honor to be, most respectfully, your obedient servant,

D. HUNTER,

Major-General, Commanding.

CONFEDERATE POLICY OF REPRESSION IN EAST TENNESSEE.

SUMMARY OF PRINCIPAL EVENTS.

May 25, 1861.—Publication of Hon. William G. Brownlow's editorial, in the Knoxville Whig, "Murder will out," upon which his subsequent arrest was based.

July 9, 1861.—Maj. Gen. Leonidas Polk, C. S. Army, telegraphs to the Richmond authorities that "no time is to be lost in East Tennessee."

Aug. 3, 1861.—Governor Isham G. Harris, of Tennessee, proposes to visit Richmond to confer with the authorities upon the threatening aspect of affairs in East Tennessee.

4, 1861.—Arrest of Hon. Thomas A. R. Nelson on his way to the Union lines.

13, 1861.—President Davis orders Nelson's discharge.

Sept. 30, 1861.—Rev. William Blount Carter lays before Brig. Gen. George H. Thomas, U. S. Army, a scheme to burn the railway bridges in East Tennessee.

Oct. 22, 1861.—After a visit to Washington, William Blount Carter enters East Tennessee to organize parties to destroy the railway bridges.

Nov. 8, 1861.—Burning of the railway bridges and uprising of the mountaineers.

11-20, 1861.—Energetic efforts of Governor Harris and the Richmond Government to suppress the insurrection.

Nov.-Dec., 1861.—Failure of Federal efforts to succor the East Tennessee Unionists.

Nov. 16, 1861.—William Blount Carter escapes to the Union lines and reports to Brig. Gen. George H. Thomas, U. S. Army, the success of his enterprise.

20, 1861.—Col. William B. Wood, C. S. Army, announces to Hon. Judah P. Benjamin, Secretary of War, the suppression of the East Tennessee rebellion.

25, 1861.—The Secretary of War orders the captured bridge-burners to be tried by drum-head court-martial, and hanged if found guilty.

27, 1861.—Maj. Gen. George B. McClellan, U. S. Army, earnestly urges upon Brig. Gen. Don Carlos Buell, U. S. Army, an advance into East Tennessee.

29, 1861.—Judge Humphreys issues a writ of habeas corpus in the cases of certain bridge-burners. Writ not obeyed by the military.

Nov.-Dec., 1861.—Hanging of the bridge-burners.

Dec. 6, 1861.—Hon. William G. Brownlow arrested at Knoxville on a civil warrant for treason.

17-27, 1861.—Trial, condemnation and pardon of Harrison Self, a bridge-burner.

27, 1861.—Nolle prosequi entered in Brownlow's case, and he is discharged from civil into military custody.

Jan. 2, 1862.—Hon. William G. Brownlow states his case to President Davis, and asks leave to withdraw from the Confederacy.

11, 1862.—Writ of habeas corpus issues in case of Daniel Smith and six other bridge-burners.

Mar. 8, 1862.—By direction of Secretary Benjamin, Hon. William G. Brownlow is escorted to the Union lines.

Apr. 21, 1862.—The families of Messrs. Brownlow, Johnson, Maynard and other Union men ordered to leave the Confederacy.

Unionist Insurrection in East Tennessee, and Burning of the Railway Bridges. The Outbreak Suppressed. and Leading Incendiaries Executed.

[For much other correspondence, etc., not included herein, concerning military movements for the suppression of the East Tennessee uprising in November, 1861, against the Confederate authorities, and the execution of the bridge-burners, see Series I, Volume IV, p. 230 *et seq.*, and Volume VII, same series, p. 439 *et seq.*]

The arrest of Hon. Thomas A. R. Nelson.

RICHMOND, *July 6, 1861.*

Hon. L. P. WALKER, *Secretary of War, C. S. A.*

SIR: I regard the peril of civil war in East Tennessee as imminent. Things are growing worse daily. An express arrived at Knoxville on the 1st day of July from Cumberland Gap bringing intelligence that one Doctor Scriven who left Knoxville some weeks ago arrived at Barboursville, thirty-three miles from Cumberland Gap, in charge of a considerable lot of arms for the Union men of East Tennessee. Mr. Brownlow in his paper says civil war is inevitable and that the Union men have 10,000 men under drill and armed with rifles and shot-guns. Mr. Thomas A. R. Nelson made a speech I am informed by a gentleman now here on Monday last at the circuit court in Carter County in which he incited the crowd to resist the action of the State and promised assistance to the Union men of the Lincoln Government.

* * * * * * *

First. A small, inadequate force is as bad or worse than none because while it irritates it invites aggression.

Second. The question as to whether the presence of a force will irritate and incite to rebellion ceases to be a practical question because the irritation grows worse without it and independent of it.

Third. The presence of six regiments properly distributed will quiet the passions of the rebellious and secure the peace in spite of Thomas A. R. Nelson, William G. Brownlow, Connally F. Trigg and William B. Carter who are the leaders of the Union men. * * *

Fourth. I am looking every moment also to hear that the bridges have been burned and the East Tennessee and Virginia Railroad torn up. Nothing can save it but a sufficient guard. The Confederate States have no marshal in East, Middle or West Tennessee to assist in keeping the peace. Ought they not to be appointed?

* * * * * * *

Respectfully, your obedient servant,

LANDON C. HAYNES.

ABINGDON, VA., *August 6, 1861.*

President DAVIS:

We have just received the following telegram:

HEADQUARTERS, *Knoxville.*

EDITORS OF VIRGINIAN, or
BEVERLY R. JOHNSTON:

I deem it prudent to advise you against the East Tennessee friends of Thomas A. R. Nelson who is on his way from Cumberland Gap [to] Abingdon under a guard of sixty men. They might attempt his release. They ought to reach Abingdon to-morrow evening. I have consented that John Baxter should visit him.

F. K. ZOLLICOFFER,
Brigadier-General.

What shall we do in our entirely defenseless condition? Should he not be sent on without delay to Richmond?

COALE & BARR,
Editors of Virginian.

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BRIGADE HEADQUARTERS,
Knoxville, August 6, 1861.

Adjt. Gen. S. COOPER, *Richmond, Va.*

SIR: Thomas A. R. Nelson with an escort of three men supposed to be on his way to take his seat in the Federal Congress at Washington was arrested about midnight night before last in Lee County, Va., by a company of home guards of that county. He was brought to a camp under my command at Cumberland Gap and was from there sent under a guard of sixty men to Abingdon, Va. These facts are to-day communicated to me by Lieutenant-Colonel Walker, of Cumberland Gap. The knowledge of the event has apparently produced much excitement among Nelson's adherents here giving rise to menacing language.

I have information from various sources apparently reliable that different bodies of men in the counties of Southeastern Kentucky estimated to amount in the aggregate to several thousand are under military organization and are threatening to force a passage through the mountains into East Tennessee. The Federalists here I am now well advised are awaiting such a movement. My impression is that a large number of Union men are opposed to it but there are very many Lincoln men here who will be restrained from co-operating only by considerations of policy or apprehensions of the consequences. A very large amount of arms and ammunition has been placed by the Lincoln Government in Kentucky. Anderson (of Sumter memory) is by the Federalists here believed to be the leading military man. A Kentuckian named Nelson,* late a lieutenant in the U. S. Navy, by some said to be Anderson's aide by others said to be a newly appointed general having his headquarters at Cincinnati is the most prominent man in getting up the threatened invasion of East Tennessee.

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Very respectfully,

F. K. ZOLLICOFFER,
Brigadier-General.

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* Brig. Gen. William Nelson, U. S. Army.

RICHMOND, VA., *August 12, 1861.*

His Excellency JEFF. DAVIS,
President of the Confederate States.

SIR: I have been arrested and as I learned since my arrival in this city upon the charge of treason, but whether against the State of Tennessee or the Confederate States I am unadvised. I am conscious of no act either against the State or the Confederacy that will support or sustain such an accusation.

I am sincerely anxious to preserve the peace and quiet of East Tennessee the section of the State in which I reside as best promotive of the peace and interest of the entire State.

I ask that I may be discharged from a vexatious prosecution that I may return home peacefully to follow my private interests and pursuits assuring your excellency that I will not either directly or indirectly by counsel, advice or action encourage, aid or assist the United States Government to invade or attain success in the present struggle with the Confederate States; nor will I counsel or advise others to thwart or cripple the Confederate States in the pending contest with the United States nor will I do so by my own acts.

In view of the increased majority in the election which has just taken place in Tennessee I shall feel it my duty as a citizen of that State to submit to her late action, and shall religiously abstain from any further words or acts of condemnation whatever or opposition to her government.

The parties arrested with me with the exception of my son who acted by my command were mere guides and conductors through the mountain passes on my way to my place of destination, and whatever view may be taken of my own course they are innocent, in no way responsible legally or morally and have committed no offense against the laws of the Confederacy or the State of Tennessee; and I ask that they also be discharged from custody by your excellency.

Very respectfully, your obedient servant,

THOS. A. R. NELSON.

—

RICHMOND, VA., *August 13, 1861.*

THOMAS A. R. NELSON, Esq.

SIR: I have received your letter of the 12th instant in which you ask to be discharged from arrest and prosecution and make promise that you will "as a citizen of Tennessee submit to her late action and religiously abstain from any further words or acts of condemnation whatever or opposition to her government." The desire of this Government being to maintain the independence it has asserted by the united feeling and action of all its citizens it has been its policy not to enter into questions of differences of political opinion hereafter existing.

I am therefore pleased to be spared the necessity of inquiring whether the accusation against you be well founded or not, vexatious or not, and to rest content with your submission as a loyal citizen of your State in her recent action in adhering to this Confederacy and adopting its permanent constitution by an increased majority. I have ordered your discharge and that of your companions from custody.

I am, &c.,

JEFF'N DAVIS.

RICHMOND, VA., *August 13, 1861.*

Mr. J. G. M. RAMSEY, *Knoxville, Tenn.:*

Yours received.* Nelson has acknowledged his obligations as a citizen of Tennessee to submit to her late decision and upon his promise to act hereafter in accordance therewith I have ordered his release.

JEFF'N DAVIS.

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KNOXVILLE, TENN., *August 26, 1861.*

Hon. A. T. BLEDSOE, *Bureau of War, Richmond, Va.*

DEAR SIR: * * * I have with others labored hard and with some success to allay the spirit of disaffection in this region and to produce a calm which some deprecate that will probably be succeeded by an active enlistment on our side. I stopped at Jonesborough one day to confer with Col. T. A. R. Nelson and through him to learn what the Unionists design, and the result of a long interview has strongly impressed me with the belief that he will not only abstain from doing anything hostile to the Confederacy but that in due time (*i. e.* as soon as his standing with his party will permit) he will come out openly for the Southern cause and he has given me aid already in getting up volunteers. At my instance Union leaders now here from different counties are to-night engaged in preparing an address, adopting Nelson's card (a copy* of which I sent to the Adjutant-General yesterday) and advising their friends in Kentucky and elsewhere to return to their homes and submit to "the powers that be." I purpose publishing a handbill containing a short appeal to my friends and relatives with Nelson's card; this indorsement of it by his friends and General Zollicoffer's general order holding out the olive branch. This may lead to such mutual confidence that both sides may deem their rifles useless here and agree to carry them together under my lead against a common foe.

Please to ask the Secretary to telegraph me how many mounted men I may raise.

Very respectfully and truly, yours,

A. M. LEA,
Brigade Commissary.

NASHVILLE, *July 9, 1861.*

President DAVIS:

No time is to be lost in East Tennessee. I examined the case thoroughly. There are 2,000 men of various arms now there. I think at least 10,000 ought to be there and at once. Governor Brown, of Georgia, has 2,500 well armed and equipped at Marietta ready to move. Floyd I hear has 2,000. The rest might be sent from Corinth. I would strongly recommend making a department of East Tennessee and parts of North Carolina and Georgia and the appointment of General F. K. Zollicoffer, of the Tennessee army, to its command as a brigadier of the Provisional Army. Governor Harris concurs in this earnestly.

L. POLK.

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*Not found.

RICHMOND, *July 9, 1861.*

Governor ISHAM G. HARRIS, *Nashville, Tenn.:*

The President directs me to request that you will order two Tennessee regiments either to Jonesborough or Haynesville in East Tennessee as soon as possible.

L. P. WALKER.

MEESVILLE, BRADLEY COUNTY, TENN.,
July 11, 1861.

President DAVIS.

SIR: * * * The startling state of the public mind in this county lying as it does upon the Georgia boundary impels me to again importune your early attention in some effective manner to this section of the South. It is fortunate that we are not now left to conjecture the purposes of the Union men in East Tennessee who are in arms, or the probable number of them in this county. On Sunday, July 7, an alarm was given that a troop of secessionists had entered the county to disarm the Union men. By some means unknown to our friends here in twelve hours near 1,000 Union men were in arms at different rendezvous and disclosed a most complete organization, secret hitherto in its character and numbers. The alarm proving to proceed from a mere jest the party immediately dissolved only to hold themselves in readiness at like short notice to rally again with their rifles and shotguns and with such ammunition as they have.

I must assure you that from the Georgia line to Cumberland Gap a like feeling to that here developed exists and not the slightest obstacle could be interposed by the Southern men so overwhelmed are they by numbers to the movement of Lincoln's troops should they enter our territory in the direction of Georgia; neither can we unaided strike a single blow with any effect to suppress an outbreak which may any day occur here.

If it be true as we understand that a large majority of the people of Eastern Kentucky are like to our East Tennessee people then may an army move from the Ohio River to the Georgia line (north) without the slightest impediment from our present defenses.

Can you not take action to avert disaster now so threatening not only to the true men in East Tennessee but so demoralizing to the great movement of the South? No moral influence of any kind whatever will do it; physical power when exhibited in force sufficient may and I believe will prevent it.

WILLIAM G. SWAN,
Knoxville, Tenn.

WAR DEPARTMENT, C. S. A.,
Richmond, July 18, 1861.

His Excellency ISHAM G. HARRIS, *Nashville, Tenn.*

SIR: I would respectfully ask your attention to the accompanying extract from a letter written by Mr. Yerger, of Corinth, Miss., dated July 9, and communicated to the President by Mr. W. P. Harris, of Jackson, Miss., and subsequently referred to this Department.

* * * * * * *

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

[Inclosure.]

Being delayed in my passage through East Tennessee I found a much more hostile and embittered feeling among that people toward the Confederate Government than I supposed to exist. I found the emissaries of the Lincoln Government active and constantly engaged in exciting hatred and animosity toward our Government. I believe the people only await the occasion to rise in revolt against the Confederate Government. Numerous instances of active organization came to my knowledge. I do not think there is an adequate Confederate force in that region to maintain us securely. * * * The conviction that more is necessary to protect us from the outbreak of the disaffected in East Tennessee than is generally supposed induces me to call your attention to these facts. I think at least 2,500 or 3,000 troops should be properly stationed at these points in this district of country to keep our way open. The twelve-months' men of Mississippi now at this point could be much better employed there than here, and if it should become necessary to disarm those people of the weapons they have could effectually and successfully accomplish it if under the command of some discreet commander. If this point is kept quiet by the presence of an imposing military force there will be no other part of East Tennessee that will be able to give any considerable trouble.

NASHVILLE, *July 18, 1861.*

Hon. L. P. WALKER:

General Anderson left this evening for Haynesville, East Tennessee, where he awaits your orders. He will have with him two regiments of infantry, one ranger company, all well armed. One other regiment is at Knoxville ordered from Middle Tennessee.

By command:

W. C. WHITTHORNE,
Assistant Adjutant-General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, July 31, 1861.

Brig. Gen. F. K. ZOLLICOFFER,
Commanding, &c., Bristol, Tenn.

SIR: I am instructed by the President to make you the following communication:

The great importance of the East Tennessee and Western Virginia road requires that it should be closely guarded wherever there is reason to apprehend its destruction. The movements of the enemy or the sending of arms into East Tennessee should be so closely watched by an adequate force as to render success impracticable. You will know so well the state of things in East Tennessee that nothing more can be said in that regard than to point to you the importance of preventing organization for resistance to the Government and of attracting by every possible means the people to support the Government, both State and Confederate. It may occur that civil process in case of treason may be resisted in which event you will endeavor to be in position to give all needful support to the civil authorities. The President relies on you to give more accurate and exact information in relation to pub-

lic affairs in East Tennessee than it has heretofore been possible to obtain and you are invited to the fullest correspondence in all matters relating to your command.

I have the honor to be, very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *August 1, 1861.*

Brig. Gen. F. K. ZOLLICOFFER:

Retain at Bristol under your orders such of the Tennessee regiments now there or that may arrive there until further advised. You are assigned to the command of the District of East Tennessee.

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Nashville, August 3, 1861.

Hon. L. P. WALKER.

SIR: * * * That there will be an effort on the part of the Federal Government to arm the Union men of Tennessee I have no doubt. For this purpose companies and regiments of Union men are being organized in Kentucky and every day our relations with the people of Kentucky are becoming more complicated and threatening, especially that part of Kentucky adjoining East Tennessee. * * * I fear we will have to adopt a decided and energetic policy with the people of that section. I hope, however, to visit Richmond in a few days, and confer with you upon this and other questions of interest to the State and General Government.

Very respectfully,

ISHAM G. HARRIS.

KNOXVILLE, *August 10, 1861.*

Adjutant-General COOPER:

News received that John Baxter is arrested at Lynchburg. This is unfortunate. He is a Unionist but has my permission to go to Nelson and counsel with him as a lawyer and friend. He gave me assurance of conciliatory influence there, and here his arrest embarrasses my plans of conciliation.

F. K. ZOLLICOFFER,
Brigadier-General.

EXECUTIVE DEPARTMENT,
Nashville, August 16, 1861.

Hon. L. P. WALKER, *War Department, Richmond.*

SIR: I am satisfied from the movements of the Union men of East Tennessee that more troops should be stationed in that division of the State. If you would establish camps of instruction at different points

in East Tennessee and order to them such troops as you may have in camps in States south of us to the extent of 5,000 or 7,000 men the presence of such a force would give perfect security to our railroads and prevent the organization of a rebel army, while the presence of the force we have there at present has the effect of irritating without being sufficient to awe or subdue.

Twelve or fourteen thousand men in East Tennessee would crush out rebellion there without firing a gun, while a smaller force may involve us in scenes of blood that will take long years to heal. We can temporize with the rebellious spirit of that people no longer. If you can order a sufficient number of troops from States south of us to that point, the adoption of a decided and energetic policy (which I am resolved upon so soon as I have a sufficient force to sustain it), the arrest and indictment for treason of the ringleaders, will give perfect peace and quiet to that division of our State in the course of two months. * * * If the suggestion with regard to East Tennessee is to be acted upon at all it should be done at once as every moment's delay but increases the danger of an outbreak there.

Very respectfully,

ISHAM G. HARRIS.

ORDERS, No. 3.

BRIGADE HEADQUARTERS,
Knoxville, August 18, 1861.

The general in command gratified at the preservation of peace and the rapidly increasing evidences of confidence and good-will among the people of East Tennessee strictly enjoins upon those under his command the most scrupulous regard for the personal and property rights of all the inhabitants. No act or word will be tolerated calculated to alarm or irritate those who though heretofore advocating the National Union now acquiesce in the decision of the State and submit to the authority of the Government of the Confederate States. Such of the people as have fled from their homes under an apprehension of danger will be encouraged to return with an assurance of entire security to all who wish to pursue their respective avocations peacefully at home. The Confederate Government seeks not to enter into questions of difference of political opinions heretofore existing but to maintain the independence it has asserted by the united feeling and action of all its citizens. Colonels of regiments and captains of companies will be held responsible for a strict observance of this injunction within their respective commands, and each officer commanding a separate detachment or post will have this order read to his command.

By order of Brig. Gen. F. K. Zollicoffer:

POLLOK B. LEE,
Assistant Adjutant-General.

WAR DEPARTMENT, C. S. A.,
Richmond, August 20, 1861.

His Excellency ISHAM G. HARRIS,
Governor of Tennessee.

SIR: Your letter of August 16 has just been received by the hands of Major Bradford. The importance of the present attitude of East Tennessee is not unknown to this Department and the necessity of

providing promptly the means of supporting our friends in that section is by no means disregarded. Three regiments have been accordingly already ordered into East Tennessee—two from Mississippi and one from Alabama—and it is hoped that these troops with those already within your State may suffice for the accomplishment of the objects at present necessary.

The Department fully concurs in your view of the necessity of adopting a decided policy to insure the public safety and only regrets that it is not in the power of the Government to the extent that may be necessary.

* * * * * * *

I have the honor to be, sir, very respectfully,

L. P. WALKER,
Secretary of War.

BRIGADE HEADQUARTERS,
Knoxville, Tenn., August 26, 1861.

Col. W. E. BALDWIN, *Russellville, Tenn.*

SIR: I have ordered you to move with your command and encamp at Fish Springs, near the Johnson County line, because of the great disaffection as reported to me among the inhabitants of that county and of Carter adjoining, and in order that any efforts at rebellion against the authorities of the State or Confederacy may be quelled at once. I have information from various sources that a number of loyal citizens from those counties apprehending danger at the hands of the Federalists among them who seem to be largely in the ascendency have fled for safety to Virginia and North Carolina. I also learned to-day that two men were killed and others wounded recently by these Lincolnites. You will try and ascertain the facts in the case and report to me. You will report to headquarters as often as convenient or as circumstances may require the condition of affairs in those counties.

I desire you as much as possible to be conciliatory toward these people, adhering strictly to the policy indicated in my proclamation and in General Orders, No. 3. You will enjoin upon your men a scrupulous observance of the rights of persons and of property and all peaceable and law-abiding citizens. You will disarm and disperse all bodies of men in open hostility to the authorities of the State and of the Confederate States; capture and hold their leaders, and if resistance is offered and it becomes necessary destroy them. The following are the names of some of the Lincoln leaders in Johnson County, viz: Lewis Venable, of Laurel Creek; Northington, hotel-keeper at Taylorsville; R. R. Butler, Taylorsville, representative of the county; John G. Johnson and J. W. Merick, captains of Lincoln companies. Joseph P. Edoms, of Elizabethton, Carter County, and A. Evans, of Washington County, are also among the ringleaders of them. If you obtain satisfactory evidence that these or other leaders are in open hostility to the authorities of the State or the Confederacy or stirring up rebellion against the same you will arrest and detain them in custody. I will forward to your aid for scouting purposes a cavalry company so soon as I can arm them if you think their services are required.

By order of Brig. Gen. F. K. Zollicoffer:

P. B. LEE,
Assistant Adjutant-General.

BRIGADE HEADQUARTERS,
Knoxville, Tenn., September 1, 1861.

Colonel BALDWIN.

SIR: I expect to start to-morrow morning Captain McClellan's cavalry company by land to overtake and co-operate with your regiment. He knows the people and the roads well in Johnson and Carter Counties and you will employ his company in scouting, getting information or otherwise as you may deem proper. The news I am receiving indicates a mischievous purpose on the part of the Federals and their leaders in Johnson County. You will seize the leaders who commit overt acts of a hostile character and as much as possible endeavor to pursue a conciliatory course towards their misguided followers. The indications are that a crisis is upon Kentucky; that in a few days the armed Lincoln companies will be in great force there. Be strict in keeping your men in camp so as to prevent the soldiers from committing trespasses or otherwise alienating the feelings of well-disposed citizens. * * *

F. K. ZOLLICOFFER,
Brigadier-General, C. S. Army.

SNEEDVILLE, *September 9, 1861.*

Brig. Gen. F. K. ZOLLICOFFER,
Commanding, Knoxville, Tenn.

DEAR SIR: We, the undersigned citizens of Sneedville, &c., would respectfully represent to you that we are threatened with immediate invasion from the Union party of Hancock and Hawkins and perhaps other counties in East Tennessee in connection with Union and Northern men from some of the mountain counties of Kentucky. We have the proof showing these facts from men who have heretofore belonged to and acted with the Union party of our own county. One gentleman, the sheriff of our county, revealed the following facts to a citizen of our town this morning, viz: that in a few days there would be a strong force from Kentucky escorted here through the mountains by a force of Union men from this county and Hawkins who have lately gone from here to Kentucky. There have been crowds within the past ten days from this county and Hawkins numbering from the best information 500 men who we understand are determined to bring back with them from Kentucky a sufficient force to overrun Southern men in Hancock and in this portion of East Tennessee generally, and from thence to the railroad with a view to tear it up so as to stop any transportation upon the East Tennessee and Virginia Railroad. We have abundant proof clear to our minds that there exists a great necessity for having force stationed here. There is no appearance of Union hostilities having abated. We do not feel that the lives of ourselves and our families are by any means safe.

* * * * * * *

We are, dear sir, most respectfully, yours,
F. M. TURNER ET AL.

(Forwarded to Secretary of War same date.)

MEMPHIS, *October 26, 1861.*

ROBERT JOSSELYN, Esq.

DEAR SIR: On my return from Nashville last night I received your letter of 11th instant.* The prisoners alluded to were [H. C.] Jarvis, [John W.] Thornburgh and others who were arrested for treason and imprisoned in Nashville. They were turned out by Judge [West H.] Humphreys whilst I was in Nashville.

More than 100 persons have been arrested in East Tennessee without warrants in some cases, marched great distances and carried into court on no other charge than that they were Union men. In one case an old man named Duggan, a Methodist preacher, was arrested, carried fifty miles on foot (he a large, fleshy man), refused the privilege of riding his own horse, and all they had against him was that in February last he prayed for the Union. If that is a good charge about two-thirds of the people of the State are liable in the same way as at that time they voted 62,000 majority for the Union.

I have spent much time this summer and fall in trying to conciliate the people of East Tennessee. I thought I had succeeded. Just as the people were quieting down, getting reconciled, raising volunteers, &c., they commenced these arrests which have gone far to poison the minds of the people against the Government, and if tolerated and persisted in the people of that end of the State at a critical moment will rise up enemies instead of friends.

You ask me who makes these arrests. As far as I can learn they are instigated by a few malicious, troublesome men in and about Knoxville. I always hear the names of W. G. Swan, William M. Churchwell, John H. Crozier, [John] Crozier Ramsey and the postmaster at Knoxville mixed up with these matters. It is said these men have private griefs and malice to gratify and they aim to bring down the avenging arm of the Government to satiate their passions. Crozier Ramsey is the attorney-general. It is said he in most cases causes the arrests and makes the affidavit. Just think of this—an attorney degrading himself by turning an affidavit man.

You may inquire what is the remedy? I answer turn out Ramsey; put some man in Middle or West Tennessee in his place who has dignity and character; turn out the postmaster at Knoxville. If the President will then make it known to all officials that he discountenances all frivolous arrests things will quiet down. If, however, he refuses to do this, retains Ramsey, then we may look for great trouble in that end of the State. If the President will write Landon C. Haynes, Senator-elect, and any other respectable man in East Tennessee he will be at no loss what course to pursue.

I address this to you to be certain the President will get it and receive attention.

Very respectfully,

ROBERTSON TOPP.

[Indorsement.]

Referred to the Secretary of War, that such inquiry may be made and action taken as will prevent as far as we may such proceedings as are herein described.

J. D[AVIS].

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* Not found.

HEADQUARTERS, *Knoxville, October 28, 1861.*

Brig. Gen. F. K. ZOLLICOFFER.

GENERAL: * * * The news of your falling back to Cumberland Ford has had the effect of developing a feeling that has only been kept under by the presence of troops. It was plainly visible that the Union men were so elated that they could scarcely repress an open expression of their joy. This afternoon it assumed an open character and some eight or ten of the bullies and leaders made an attack on some of my men near the Lamar House and seriously wounded several. Gentlemen who witnessed the whole affair say that my men gave no offense and were not at all to blame. The affair became pretty general and couriers were sent to me at my camp of its existence. I immediately marched Captain White's cavalry and 100 of my men into the town to arrest the assailants but they made their escape. The Southerners here are considerably alarmed believing that there is a preconcerted movement amongst the Union men if by any means the enemy should get into Tennessee. J. Swan told me to-night that he heard one say this evening as Captain White's cavalry rode through town that "they could do so now but in less than ten days the Union forces would be here and run them off." I cannot well tell you the many evidences of disaffection which are manifested every day and the increased boldness that it is assuming. I deem it, however, of sufficient importance to be on the alert and as there are no other forces here now but a part of my regiment and Captains Gillespie's and White's cavalry I think I had better keep my men there until others arrive.

THURSDAY MORNING, 29TH.

The town is quiet this morning. The men who committed the assault on my men yesterday have left town I am informed. The cannon and ammunition start this morning with orders to push on as rapidly as possible.

Very respectfully, your obedient servant,

W. B. WOOD,
Colonel, Commanding Post.

KNOXVILLE, *October 29, 1861.*

[GOV. ISHAM G. HARRIS.]

DEAR GOVERNOR: I don't like to meddle in things that are in keeping of men so much more vigilant and wiser than I am but I am constrained by the circumstances around me to believe that Zollicoffer and the railroads of East Tennessee are in a dangerous condition at present.

I am well aware that the views of the "original panel" in East Tennessee is not much heeded abroad but I am well satisfied that there is to-day a larger Lincoln force well armed in East Tennessee than Zollicoffer has of Southern men under his command; that this force is in such a state of organization that they can and will be concentrated in Zollicoffer's rear whenever they are advised of a sufficient force in his front. These people are in full correspondence with the former in Kentucky and know as well and better what is going on in the Lincoln

camp than we do what is going on in our own. * * * There is no giving way in the hostile feeling in East Tennessee. This you may rely on and time will convince you.

Truly, your friend,

C. WALLACE,
[*President East Tennessee and Georgia Railroad.*]

CAMP BUCKNER, *October 30, 1861.*

Col. W. B. WOOD,
Sixteenth Alabama Regiment, Knoxville, Tenn.

SIR: * * * If they attempt an invasion of East Tennessee it is rather probable they will move by way of the passes near Jacksborough or Jamestown. While our scouts are observing this road they might be advancing by one of the other roads. I have therefore taken steps to have four cavalry companies employed in scouting from Jacksborough to Williamsburg.

* * * * * * *

Watch the movements of the Lincoln men in East Tennessee. Restrain our ultra friends from acts of indiscretion. Promptly meet and put down any attempted open hostility. But I have observed heretofore that a few of our friends about Knoxville are unnecessarily nervous; give their expressions of apprehension only their due weight.

* * * * * * *

Very respectfully,

F. K. ZOLLICOFFER,
Brigadier-General.

CORINTH, *November 4, 1861.*

His Excellency JEFFERSON DAVIS.

DEAR SIR: By request of Mr. Samuel Tate I write to you this morning. He is just from East Tennessee and says he considers the command of General Zollicoffer in great danger; more from the rear than the front. Feelings of decided hostility are again being exhibited by the citizens, and in his opinion there is danger of aid being given to Lincoln by the people of East Tennessee at an unexpected moment and seizure of the railroad. He requests me to suggest to you the necessity of rendezvousing several regiments immediately. I give you this information at his pressing instance. Election Wednesday. Result doubtful.

I have the pleasure to be, your obedient servant,

REUBEN DAVIS.

KNOXVILLE, TENN., *November 4, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have to-day written to General Cooper in reference to the state of affairs in East Tennessee and the necessity of re-enforcements being sent immediately; but as there is a misapprehension in reference to the feeling of the late Union party existing abroad I have requested Mr. Archer, of Richmond, now on a visit here to call on you and give you fuller information than I can write. In addition to what I have

written to General Cooper I will say that there can be no doubt of the fact that large parties numbering from 20 to 100 are every day passing through the narrow and unfrequented gaps of the mountain into Kentucky to join the enemy. My courier just in from Jamestown informs me that a few nights ago 170 men passed from Roane County over into Kentucky. I do not believe that the Unionists are in the least reconciled to the Government but on the contrary are as hostile to it as the people of Ohio and will be ready to take up arms as soon as they believe the Lincoln forces are near enough to sustain them. I do not believe that the Southern men here are alarmed or nervous. They are as brave and fearless as any I ever saw but they do live in constant apprehension that a general uprising and rebellion may take place at any day.

I submit the matter to the determination of the Department assuring you that I will do all that I can with 200 infantry and one company of cavalry to prevent any disturbance.

I have the honor to be, your obedient servant,

W. B. WOOD,
Colonel, Commanding Post.

KNOXVILLE, TENN., *November 4, 1861.*

General S. COOPER, *Adjutant and Inspector General.*

SIR: * * * This information has been received by the Union men in East Tennessee and they are openly preparing for rebellion. Men are arriving here daily from the adjoining counties bringing information that the Unionists are talking exultingly of the approach of the Lincoln army and their intention to join it. The state of the country here is evidently worse at this time than at any previous period. * * * It is a great mistake to suppose that the people of East Tennessee are submissive or willing to acquiesce. They have only been held quiet by the force which was at Knoxville and now that it is gone they are evidently preparing for a general uprising if the Lincoln army should make any advance into Tennessee. I need at least a regiment at this place to give protection to the stores of the Government and preserve quiet.

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I am, very respectfully, your obedient servant.

W. B. WOOD,
Colonel, Commanding Post.

KNOXVILLE, TENN., *November 8, 1861.*

His Excellency President DAVIS.

DEAR SIR: Many friends here have urged me to address your excellency this note. * * * It is I fear a grand mistake to suppose the Union party in East Tennessee has lost its hostility to the Confederacy. At the election day before yesterday with perfect unanimity that party refused to cast a vote for men who had been its late leaders because they were running for seats in the Confederate Congress; and if a force shall be thrown into East Tennessee or on the line which now seems probable and which General Zollicoffer is unable to defeat the flames of rebellion will flash throughout East Tennessee; the railroad

will be destroyed, the bridges burned and other calamities not necessary to mention will follow. I regard the state of affairs from all the information I possess as perilous.

* * * * * * *

Respectfully, your obedient servant,

LANDON C. HAYNES.

KNOXVILLE, *November 9, 1861.*
(Via Bristol 10th.)

Hon. J. P. BENJAMIN:

Two large bridges on my road were burned last night about 12 o'clock; also one bridge on the East Tennessee and Georgia Railroad at the same time and an effort made to burn the largest bridge on my road. There is great excitement along the whole line of road and evidence that the Union party are organizing and preparing to destroy or take possession of the whole line from Bristol to Chattanooga, and unless the Government is very prompt in giving us the necessary military aid I much fear the result. The only hope for protection must be from the Government. Unless the Government gives us the necessary aid and protection at once transportation over my road of army supplies will be an utter impossibility; it cannot be done. We have arrested four of the individuals engaged in burning one bridge and know who burned another, but for want of the necessary military force fear we cannot arrest them.

JOHN R. BRANNER,
President East Tennessee and Virginia Railroad.

BOWLING GREEN, KY., *November 9, 1861.*

Governor HARRIS, *Nashville:*

From our information the destruction of the railways and telegraphs near Chattanooga, Cleveland and Dalton cannot be the work of the enemy's troops but of the disaffected in North Alabama and East Tennessee. I beg your excellency to use every exertion to ascertain the extent, power and organization of this insurrection if as I fear one exists, and most urgently I press your excellency to leave no means untried to put arms into the hands of your unarmed levies.

A. S. JOHNSTON,
General.

BRIGADE HEADQUARTERS,
Jacksborough, November 9, 1861. (Via Knoxville 10th.)

S. COOPER:

Colonel Wood of Knoxville writes that last night Hiwassee bridge and two other railroad bridges near Chattanooga were burned. Attempt on Strawberry Plains bridge failed. No cars from east. Feared that the Union bridge is destroyed. I send a regiment to Knoxville. Carroll's brigade ordered to report to me not heard from.

F. K. ZOLLICOFFER,
Brigadier-General.

BRISTOL, *November 9, 1861.*

Hon. JOHN LETCHER.

DEAR SIR: Upon the oath of J. H. Rudd, conductor of the East Tennessee and Virginia Railroad Company, and news received from A. M. Millard, the representative of Sullivan County, Tenn., by note whose handwriting was testified to by George Pile and Jos. R. Anderson I do hereby inform you that the bridge across the Holston was burned last night by about fifty Union men and that a Union force is now assembling near Watauga bridge reported to number about 500 for the purpose of attacking Captain McClellan's troops now stationed at the bridge and burning the bridge, and ask aid as we are unable to form any idea of the result of this; and furthermore state that all communication between this place and Nashville by railroad and telegraph is cut off and ask that you appeal to President Davis to call out the militia of East Tennessee to suppress rebellion.

WM. F. MOORE,
Justice of the Peace, Washington County, Va.

CLEVELAND, TENN., *November 11, 1861.*

JEFF. DAVIS, *President:*

Several bridges burned on East Tennessee road. The country in great excitement and terror. The Twenty-third Regiment (Colonel Hutcherson's) Georgia Volunteers leaving Camp McDonald to-day for Richmond. Can you order them temporarily to Knoxville, Tenn.? You could dispatch to Marietta and Augusta, Ga.

J. W. LEWIS,
Superintendent East Tennessee and Virginia Railroad.

BRISTOL, *November 11, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

I have just returned from the burned bridge. We have at the next bridge ten miles beyond about 250 men under Captain McClellan. They have two cannon which they found on the cars and which were given to them by General Charles Clark who stopped until this morning with them. The camp of the enemy is at N. G. Taylor's, five miles distant, with about 400 men. Another camp at Elizabethtown two miles further is said to contain 500 men. The two may be confounded. There is no doubt but that re-enforcements are every moment reaching them from Watauga County, N. C., and Johnson, Carter and Washington counties, Tenn. These counties can furnish about 2,000 Lincolnites and each fresh occasion emboldens them. They threaten to burn Watauga bridge to-night. Should they be successful it will bring forward hundreds now quiet. It is all important they should be disposed of before they unite their different forces now ranging from 50 to 500 A fight occurred last night between twenty-two of our scouts and the main camp of the enemy. We captured 2, killed 9 and lost none. I have given orders for all trains to give way to the troop trains now coming forward. They will reach here to-morrow morning. Can I do anything for you?

RO. L. OWEN,
President Virginia and Tennessee Railroad.

KNOXVILLE, *November 11, 1861.*

Adjutant-General COOPER:

Three bridges burned between Bristol and Chattanooga, two on Georgia road. Five hundred Union men now threatening Strawberry Plains; fifteen hundred assembling in Hamilton County; and a general uprising in all the counties. I have about 1,000 men under my command.

W. B. WOOD,
Colonel.

KNOXVILLE, *November 11, 1861.*

General S. COOPER, *Adjutant and Inspector General.*

SIR: My fears expressed to you by letters and dispatches of 4th and 5th instant have been realized by the destruction of no less than five railroad bridges—two on the East Tennessee and Virginia road, one on the East Tennessee and Georgia road and two on the Western and Atlantic road. The indications were apparent to me but I was powerless to avert it. The whole country is now in a state of rebellion. A thousand men are within six miles of Strawberry Plains bridge and an attack is contemplated to-morrow. I have sent Colonel Powel there with 200 infantry, one company cavalry and about 100 citizens armed with shotguns and country rifles. Five hundred Unionists left Hamilton County to-day we suppose to attack Loudon bridge. I have Major Campbell there with 200 infantry and one company cavalry. I have about the same force at this point and a cavalry company at Watauga bridge. An attack was made on Watauga yesterday. Our men succeeded in beating them off, but they are gathering in larger force and may renew it in a day or two. They are not yet fully organized and have no subsistence to enable them to hold out long. A few regiments and vigorous means would have a powerful effect in putting it down. A mild or conciliating policy will do no good; they must be punished; and some of the leaders ought to be punished to the extent of the law. Nothing short of this will give quiet to the country.

General Zollicoffer at great inconvenience to himself has sent me Colonel Powel's regiment numbering about 600 effective men which I have disposed of as above stated. I have arrested six of the men who were engaged in burning the Lick Creek bridge and I desire to have instructions from you as to the proper disposition of them. The slow course of civil law in punishing such incendiaries it seems to me will not have the salutary effect which is desirable. I learn from two gentlemen just arrived that another camp is being formed about ten miles from here in Sevier County and already 300 are in camp. They are being re-enforced from Blount, Roane, Johnson, Greene, Carter and other counties. I need not say that great alarm is felt by the few Southern men. They are finding places of safety for their families and would gladly enlist if we had arms to furnish them. I have had all the arms in this city seized and authorized Major Campbell to impress all he can find in the hands of Union men who ought now to be regarded as avowed enemies for the use of the new companies. I felt it to be my duty to place this city under martial law as there was a large majority of the people sympathizing with the enemy and communicat-

ing with them by the unfrequented mountain paths, and to prevent surprise and the destruction of the commissary and quartermaster's stores.

I am, very respectfully, your obedient servant,

W. B. WOOD,
Colonel, Commanding Post.

SPECIAL ORDERS, No. 216. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., November 11, 1861.*

1. Col. Danville Leadbetter, Provisional Army, is hereby assigned to the command of the troops to be stationed for the protection of the railroads between Bristol and Chattanooga, Tenn. He will reconstruct bridges, repair and keep open the line of communication between those points and will call upon railroad companies for such aid as he may require to carry out this order.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

NASHVILLE, *November 12, 1861.*

His Excellency JEFFERSON DAVIS:

The burning of railroad bridges in East Tennessee shows a deep-seated spirit of rebellion in that section. Union men are organizing. This rebellion must be crushed out instantly, the leaders arrested and summarily punished. I shall send immediately about 10,000 men to that section; cannot arm larger force at present. If you can possibly send from Western Virginia a number of Tennessee regiments to East Tennessee we can at once repair the bridges and crush out the rebellion. I hope to be able very soon to collect a large number of sporting guns in the State to arm our volunteers and will co-operate with the Government to the fullest extent of my ability in all respects. If a part only of the Tennessee troops in Western Virginia shall be sent I would prefer Anderson's brigade.

ISHAM G. HARRIS.

JONESBOROUGH, TENN., *November 12, 1861.*

His Excellency JEFFERSON DAVIS, *President, &c.*

SIR: Civil war has broken out at length in East Tennessee. In the late election scarcely a so-called Union man voted. Neither Mr. Nelson nor any of the released men who had been sworn to be faithful to the Southern Confederacy voted upon the occasion and there appeared a simultaneous assault upon our line of railroads from Virginia to the Georgia line. In this county (Washington) the secession strength is about equal to the Union force but our force is much weakened by five volunteer companies now in the service. In Carter and Johnson Counties, northeast of this, the Union strength is not only as formidable but it is as violent as that of any of the Northwestern Virginia counties. Had they the power not a secessionist would live in this region. The

hostile element in those counties and also in Greene is so strong that I give it as my firm conviction that it will neither abate nor be conciliated. They look confidently for the re-establishment of the Federal authority in the South with as much confidence as the Jews look for the coming of the Messiah and I feel quite sure when I assert it that no event or circumstance can change or modify their hopes. In this state of affairs this part and indeed all of East Tennessee will be subjected during the war to apprehensions of internal revolt more or less remote as the tide of war turns in this direction. The recent bridge-burning in this section was occasioned by the hope that the Federal troops would be here in a few days from Kentucky to second their efforts. We will crush out the rebellion here in a week or ten days but to prevent its recurrence should be a matter of anxious consideration. Upon this subject I have the honor of making the following suggestions to your excellency:

The expatriation requiring alien enemies to dispose of their effects and leave with their families should be enforced. Should they not do so voluntarily on proof being submitted that they were in arms or hostile to the Government they should be forced to leave on due notice with their families. A man with his family with him in the North will do us no great harm. He will not enlist there for he will have to support his family.

By removing the hostile element from our counties we have peace and the Southern men can then enter the army because they know that their families are safe at home. By leaving this hostile element here we will never have peace but be subject to constant alarm, these men rising up at every turn of events to harass us. I submit this suggestion to your excellency's careful attention. There are now camped in and about Elizabethton in Carter County some 1,200 or 1,500 men armed with a motley assortment of guns in open defiance of the Confederate States of America and who are awaiting a movement of the Federal troops from Kentucky to march forward and take possession of the railroad. These men are gathered up from three or five counties in this region and comprise the hostile Union element of this section and never will be appeased, conciliated or quieted in a Southern Confederacy. I make this assertion positively and you may take it for what it is worth. We can and will in a few days disperse them but when will they break out again? I am satisfied the only hope for our quiet and repose and our co-operation without hindrance in the present revolution is the expatriation voluntarily or by force of this hostile element.

I am, respectfully, your obedient servant,

A. G. GRAHAM.

JACKSBOROUGH, *November 12, 1861.*

Col. W. B. WOOD, *Knoxville.*

SIR: * * * I rejoice that you have caught six of the bridge-burners. I am yet unadvised what precise bridges are actually destroyed or whether my intended telegraphic dispatches are really transmitted over the wires. Have you any news from Colonel Carroll's regiment or any other re-enforcement? I will to-morrow send dispatches to the forces near Jamestown, the cavalry near Huntsville, that near Oliver's and start out the cavalry here to commence simultaneously disarming the Union inhabitants. You will please simultaneously send orders to all detachments under your command to

inaugurate the same movement at the same time in their various localities. Their leaders should be seized and held as prisoners. The leniency shown them has been unavailing. They have acted with base duplicity and should no longer be trusted.

Very respectfully,

F. K. ZOLLICOFFER,
Brigadier-General.

RICHMOND, *November 13, 1861.*

JOHN R. BRANNER,
President Railroad Company, Jonesborough, Tenn.:

Troops are now moving to East Tennessee to crush the traitors. You shall be amply protected.

J. P. BENJAMIN,
Acting Secretary of War.

JONESBOROUGH, TENN., *November 13, 1861.*

J. P. BENJAMIN, *Acting Secretary of War:*

The Lincolnites are forming an encampment at Elizabethton. Now have from 1,000 to 1,300 men and more coming within six miles of our railroad at Watauga bridge. They also have from 600 to 1,000 men near Strawberry Plains bridge, the most important and expensive bridge on our road, and still collecting in greater numbers and threatening to take and burn the bridge and take possession of the road. If these two bridges are burned our road stops. The demonstrations are such in East Tennessee that a much larger force is necessary. They are cutting the telegraph wires as fast as we put them up.

JNO. R. BRANNER,
President East Tennessee and Virginia Railroad.

BRIGADE HEADQUARTERS,
Jacksborough, November 14, 1861. (Via Knoxville 15th.)

General COOPER, *Adjutant-General:*

* * * * * * *

I have ordered all posts and detachments to disarm Union men and seize leaders. Have made dispositions to cut off and crush tories of Rhea, Hamilton and Sevier. Blockade here nearly complete. One regiment marches for Wartburg to-day.

F. K. ZOLLICOFFER,
Brigadier-General.

BRIGADE HEADQUARTERS,
Chattanooga, Tenn., November 17, 1861.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond.*

SIR: In obedience to orders two regiments moved to this point. Affairs are not so bad as reported. Suppose that Col. S. A. M. Wood

has reported to the War Department a full account of his expedition against Clift and the breaking up of his camp. Five prisoners taken with arms. To-night I send a reconnoitering force to North Chickamauga Creek where the citizens are mostly disloyal and a good many in open rebellion. As soon as sufficient information can be obtained a larger force will be sent to capture Clift and his troops. So soon as they return I will move to join General Zollicoffer at Jacksborough. * * * I inclose you a copy of oath and bond I have taken from Union prisoners taken before my arrival.

Very respectfully,

W. H. CARROLL,
Brigadier-General.

[Inclosure.]

We, ——— ——— and ——— ———, acknowledge ourselves indebted to the Confederate States of America jointly and severally in the sum of $10,000, but to be void if ——— ——— shall faithfully and honestly support the Constitution and laws of the Confederate States of America and if he shall faithfully and honestly render true allegiance to said Confederate States in all things; and if he shall not directly or indirectly by writing, talking or otherwise seditiously or rebelliously attempt to excite prejudice in the mind of any person or persons against the existence, perpetuity or prosperity of said Confederate States; and if he shall not in any manner directly or indirectly aid, assist, encourage or advise the United States or any officer, agent or adherent thereof in the present war against the Confederate States.

Witness our hands and seals this —— November, 1861.

——— ———

——— ———

I do solemnly swear that I will faithfully and honestly support the Constitution and laws of the Confederate States of America and I will faithfully and honestly render true allegiance to said Confederate States in all things and in every particular; and I further swear that I will not directly or indirectly by talking, writing or otherwise seditiously or rebelliously attempt to excite prejudice in the mind of any person or persons against the existence, perpetuity or prosperity of said Confederate States; nor will I in any manner directly or indirectly aid, assist, encourage or advise the United States or any officer, agent or adherent thereof in the present war against the Confederate States.

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JOHNSON STATION, *November 19, 1861.*
(Via Jonesborough.)

Hon. J. P. BENJAMIN:

Yesterday we dispersed the insurgents, 300 strong, at Doe River. Took thirty prisoners in the neighborhood; none very prominent. What shall be done with them? Are those not known as criminals to be released on their oath of allegiance? Those known to have been insurgents I recommend be sent to Richmond and kept there. Please telegraph to Jonesborough, Tenn.

D. LEADBETTER.

RICHMOND, *November 19, 1861.*

Col. D. LEADBETTER, *Jonesborough, Tenn.:*

Send all the prisoners known to be criminals or to have borne arms against the Government to Nashville to be tried for high treason. Discharge the others on their taking oath of allegiance. I have ordered a regiment from North Carolina to report to you at Jonesborough.

J. P. BENJAMIN,
Acting Secretary of War.

HEADQUARTERS,
Knoxville, November 20, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: The rebellion in East Tennessee has been put down in some of the counties and will be effectually suppressed in less than two weeks in all the counties. Their camps in Sevier and Hamilton Counties have been broken up and a large number of them made prisoners. Some are confined in jail at this place and others sent to Nashville.

In a former communication I inquired of the Department what I should do with them. It is a mere farce to arrest them and turn them over to the courts. Instead of having the effect to intimidate it really gives encouragement and emboldens them in their traitorous conduct. We have now in custody some of their leaders—Judge [David T.] Patterson, the son-in-law of Andrew Johnson; Colonel [Samuel] Pickens, the senator in the legislature from Sevier and other counties, and several members of the legislature, besides others of influence and some distinction in their counties. These men have encouraged this rebellion but have so managed as not to be found in arms. Nevertheless all their actions and words have been unfriendly to the Government of the Confederate States. The influence of their wealth, position and connections has been exerted in favor of the Lincoln Government and they are the parties most to blame for the troubles in East Tennessee. They really deserve the gallows and if consistent with the laws ought speedily to receive their deserts; but there is such a gentle spirit of conciliation in the South and especially here that I have no idea that one of them will receive such a sentence at the hands of any jury impanelled to try them.

I have been here at this station for three months, half the time in command of the post, and I have had a good opportunity of learning the feeling pervading this country. It is hostile to the Confederate Government. They will take the oath of allegiance with no intention to observe it. They are the followers and slaves of Johnson and Maynard and never intend to be otherwise. When arrested they suddenly become very submissive and declare they are for peace and not supporters of the Lincoln Government but yet they claim to be Union men. At one time whilst our forces were at Knoxville they gave it out that great changes were taking place in East Tennessee and the people were becoming reconciled and loyal. At the withdrawal of the army from here to the Gap and the first intimation that the Lincoln army was like to penetrate the State they were in arms, and scarcely a man with only a few honorable exceptions but what was ready to join them and make war upon us.

The prisoners we have tell us that they had every assurance that the army was already in the State and would join them in a very few days; that the property of Southern men was to be confiscated and divided amongst those who would take up arms for Lincoln.

I have to request at least that the prisoners I have taken be held if not as traitors as prisoners of war. To release them is ruinous; to convict them before a court at this time next to an impossibility; but if they are kept in prison for six months it will have a good effect. The bridge-burners and spies ought to be tried at once and I respectfully request that instructions be forwarded at as early a day as practicable as it needs prompt action to dispose of these cases.

Very respectfully, your obedient servant,

W. B. WOOD,
Colonel, Commanding Post.

OKOLONA, TENN., *November 20, 1861.*

Hon. J. P. BENJAMIN,
Secretary of War, &c., Richmond, Va.

SIR: * * * In my judgment there is not a Union man in Carter County who was not involved to some extent in the rebellion. Many of them were drawn into it by wicked leaders and some have heartily repented but many others will seek the first favorable opportunity to repeat the experiment. Under these circumstances what can be done to hold them in check in the future? If a Northern army invades the State at any future day a majority of our population will undoubtedly tear up the railroad, burn the bridges and destroy the lives and property of Southern men.

* * * * * * *

If the military commander at this point could have a discretionary power which would enable him to inquire into the character of the rebels and give certain ones the option to join the Confederate service during the war or be sent on for trial for treason I have no doubt the ends of justice would be attained and much annoyance to the Government avoided. This perhaps would be rather a high-handed movement, but the disease is a desperate one and requires severe and energetic treatment. Every Union man in the county either took up arms or was fully advised of the intention of his party to do so, so they are all principals or accessories before the fact. If they are all prosecuted every citizen of East Tennessee must be arraigned before the court or brought up as witnesses. Nearly every rebel in my county could be convicted if all the Southern-rights citizens were brought up as witnesses; but this perhaps would look too much like political prosecutions.

Martial law ought to be enforced in every county in East Tennessee to hold these bad men in proper restraint but our President is very averse to such a policy. But be assured if the Northern despotism succeeds in throwing a strong military force in here we shall have much worse than martial law. Even now our most quiet and law-abiding citizens have been shot down in cold blood from behind coverts by the tories and the proof can be made that Unionists have been tampering with the slaves.

The mass of the Union party religiously believed that a Northern army of at least 100,000 men was in East Tennessee before they began this rebellious demonstration. The Southern men have all been disarmed and the tories have apparently disbanded in most of the counties but really gone home to await the approach of an invading army.

If we are invaded every Southern man will be taken a prisoner or else murdered in the night time. Our very existence depends on Mr. Lincoln's ability to invade the state.

* * * * * * *

Asking your pardon for my boldness and the hasty manner of writing this letter, I am, very respectfully, &c.,

MADISON T. PEOPLES.

BRIGADE HEADQUARTERS,
Wartburg, One Mile from Montgomery, November 20, 1861.

Lieutenant-Colonel MACKALL,
Assistant Adjutant-General, Bowling Green, Ky.

SIR: * * * I sent a few men up to Greeneville to arrest Andrew Johnson's sons and son-in-law. Have no late news from Carter and Johnson Counties. By this time I presume General Carroll is at Knoxville in command and instructed to make proper dispositions to guard the railroads and crush the tory combinations.

The recent burning of the bridges brought a crisis which I think demonstrates that but comparatively a small proportion of the population will now give countenance to hostile acts against the Confederate Government and that those who are still hostile are only running upon their own destruction. They should now be dealt very severely with. Leniency and forbearance have gradually won many thousands over who would have been driven to the enemy had our policy been severe two months ago but those that are yet hostile can only be cured of their folly by severity. They should be made to feel in their persons and their property that their hostile attitude promises to them nothing but destruction.

Very respectfully,

F. K. ZOLLICOFFER,
Brigadier-General.

CHATTANOOGA, *November 21, 1861.*

J. P. BENJAMIN, *Secretary of War:*

General Carroll has gone on to Zollicoffer. Colonel Cook's regiment, partly armed, and the Seventh Alabama Regiment are here. I have assumed command. Tories now quiet but not convinced. Executions needed.

S. A. M. WOOD,
Colonel Seventh Alabama Regiment Volunteers.

BRIGADE HEADQUARTERS,
Jamestown, Tenn., November 22, 1861.

General S. COOPER,
Adjutant and Inspector General, Richmond.

SIR: * * * I have no dispatches from Knoxville since I left there but hear through various scouting parties that the tories in lower East Tennessee are dispersed, a number of prisoners taken, a few Lincolnites killed and wounded and several hundred guns captured. Cit-

izens have turned out in large numbers and assisted the soldiers in scouring the mountains and hunting down the fugitive traitors. They should now be pursued to extermination if possible.

Very respectfully,

F. K. ZOLLICOFFER,
Brigadier-General.

WAR DEPARTMENT, C. S. A.,
Richmond, November 25, 1861.

Col. W. B. WOOD, *Knoxville, Tenn.*

SIR: Your report of the 20th instant is received and I proceed to give you the desired instructions in relation to the prisoners taken by you amongst the traitors in East Tennessee:

First. All such as can be identified as having been engaged in bridge-burning are to be tried summarily by drum-head court-martial and if found guilty executed on the spot by hanging. It would be well to leave their bodies hanging in the vicinity of the burned bridges.

Second. All such as have not been so engaged are to be treated as prisoners of war and sent with an armed guard to Tuscaloosa, Ala., there to be kept imprisoned at the depot selected by the Government for prisoners of war. Wherever you can discover that arms are concealed by these traitors you will send out detachments, search for and seize the arms. In no case is one of the men known to have been up in arms against the Government to be released on any pledge or oath of allegiance. The time for such measures is past. They are all to be held as prisoners of war and held in jail till the end of the war. Such as come in voluntarily, take the oath of allegiance and surrender their arms are alone to be treated with leniency.

Your vigilant execution of these orders is earnestly urged by the Government.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—Judge [David T.] Patterson, Col. [Samuel] Pickens and other ringleaders of the same class must be sent at once to Tuscaloosa to jail as prisoners of war.

J. P. B.

[NOTE.—The same letter with a slight verbal alteration of the opening paragraph and the omission of the postscript was sent at the same time to Brig. Gen. F. K. Zollicoffer, Jacksborough, Tenn.; Brig. Gen. W. H. Carroll, Chattanooga, Tenn., and Colonel Leadbetter, Jonesborough, Tenn.]

KNOXVILLE, TENN., *November 25, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

The military authorities in command at this post have determined to try the bridge-burners and other men charged with treason by a court-martial. What shall I do? Answer.

J. C. RAMSEY,
C. S. District Attorney for the District of Tennessee.

RICHMOND, *November 25, 1861.*

J. C. RAMSEY, *District Attorney, Knoxville:*

I am very glad to hear of the action of the military authorities and hope to hear they have hung every bridge-burner at the end of the burned bridge.

J. P. BENJAMIN,
Secretary of War.

[No date.]

Capt. DAVID MCCLELLAN, *Elizabethton, Tenn.*

DEAR SIR: On the first page I hand you copy of an order from the War Department* and call your especial attention to it. You will send all prisoners under the first and second clause, except such as surrender voluntarily themselves and arms, to me to be sent to headquarters at Greeneville with the necessary witnesses to establish the charges against them. Those who voluntarily surrender themselves and their arms and have had no complicity with bridge-burning nor have been in arms you will please follow the order from the War Department.

Very respectfully, your obedient servant,

A. J. WHITE,
Captain.

HEADQUARTERS,
Greeneville, East Tenn., November 28, 1861.

General S. COOPER,
Adjutant and Inspector General, Richmond.

SIR: * * * I think that we have effected something—have done some good; but whenever a foreign force enters this country be it soon or late three-fourths of this people will rise in arms to join them. At present they seem indisposed to fight and the great difficulty is to reach them. Scattering in the mountain paths they can scarcely be caught; and as their arms are hidden when not in use it is almost impossible to disarm them. Cavalry though a bad force for fighting them in case they would fight is yet the only force which can reach them. It is adequate too to disperse and capture them in their present state of morale. I am confident that a mounted regiment with two very light guns would do more to quiet this tier of counties than five times the number on foot. * * * Twenty-two prisoners have been sent to Nashville from Carter County and we have now in confinement some five or six known to have been in arms and who will be sent to Tuscaloosa under the order of the War Department dated the 25th instant.

* * * * * * *

Very respectfully, general, your obedient servant,

D. LEADBETTER,
Colonel, Provisional Army, C. S., Commanding.

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* Instructions of Benjamin to Wood and others, p. 848.

HEADQUARTERS,
Knoxville, November 29, 1861.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond.*

SIR: I am just in receipt of yours of 25th. Your instructions shall be strictly obeyed. I have not heretofore released any against whom there was proof that they had been engaged in any rebellious movements. It was only those who were arrested upon mere suspicion that I permitted to take the oath of allegiance. I telegraphed you to-day that Judge Humphreys had issued writs of habeas corpus in the cases of several prisoners who are beyond doubt guilty of burning the railroad bridges predicated as I understand upon the affidavits of Baxter and other lawyers. Your instructions are fully understood and I shall not allow any interference in their execution.

I have the honor to be, your obedient servant,

WM. H. CARROLL,
Brigadier-General.

KNOXVILLE, *November 29, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

General W. H. Carroll, commanding this post, has ordered a general court-martial for the trial by the military authorities of persons charged with burning the bridges in East Tennessee and of the tories who have been recently captured with arms in their hands against the Government. The question as to the jurisdiction of courts-martial in such cases has been raised in the court and it is insisted that the civil authorities have some jurisdiction of the persons in such offenses. Please instruct what course to pursue. A court martial will be much more effective in ferreting out the offenders. Please answer at as early a moment as possible as it is very desirable to put these matters through rapidly. Writs of habeas corpus have been and will be issued.

R. F. LOONEY,
Colonel and President of Court.

GENERAL ORDERS, No. 4.

HEADQUARTERS,
Knoxville, November 29, 1861.

The Government of the Confederate States has not nor will it interfere with individuals on account of their political opinions. The President of the Confederate States issued a proclamation stating that all those who did not fully recognize their allegiance to the Government should dispose of or remove from its limits with their effects before October, 1861. Those persons who remained tacitly recognized the Government and are amenable to the laws.

The commanding general at this post will endeavor to fully carry out the policy of the Government. While he will afford ample protection to all citizens who peaceably pursue their ordinary occupations he will order the arrest of all who may take up arms against the Government or who in any manner may aid or abet its enemies or incite rebellion in order that they may be tried by military law.

By order of Brig. Gen. W. H. Carroll, commanding post:

G. H. MONSARRAT,
Acting Assistant Adjutant-General.

RICHMOND, *November 30, 1861.*

Col. R. F. LOONEY, *Knoxville:*

Courts of justice have no power to take prisoners of war out of the hands of the military nor to interfere with the disposal of such prisoners by the military. An answer to a writ of habeas corpus that the prisoner was captured in arms against the Government and is held as a prisoner of war is a good and complete answer to the writ. Send this dispatch to General Carroll and let him send at once all the prisoners to jail at Tuscaloosa as prisoners of war except those found guilty of bridge-burning and murdering the guards placed at the bridges. Let not one of these treacherous murderers escape.

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS,
Greeneville, November 30, 1861.

Hon. J. P. BENJAMIN, *Secretary of War:*

Two insurgents have to-day been tried for bridge-burning, found guilty and hanged.

D. LEADBETTER,
Colonel.

PROCLAMATION.

HEADQUARTERS,
Greeneville, East Tenn., November 30, 1861.

TO THE CITIZENS OF EAST TENNESSEE:

So long as the question of Union or disunion was debatable so long you did well to debate it and vote on it. You had a clear right to vote for the Union but when secession was established by the voice of the people you did ill to distract the country by angry words and insurrectionary tumult. In doing this you commit the highest crime known to the laws.

Out of the Southern Confederacy no people possess such elements of prosperity and happiness as those of East Tennessee. The Southern market which you have hitherto enjoyed only in competition with a host of eager Northern rivals will now be shared with a few States of the Confederacy equally fortunate politically and geographically. Every product of your agriculture and workshops will now find a prompt sale at high prices and so long as cotton grows on Confederate soil so long will the money which it brings flow from the South through all your channels of trade.

At this moment you might be at war with the United States or any foreign nation and yet not suffer a tenth part of the evils which pursue you in this domestic strife. No man's life or property is safe, no woman or child can sleep in quiet. You are deluded by selfish demagogues who take care for their own personal safety. You are citizens of Tennessee and your State [is] one of the Confederate States.

So long as you are up in arms against these States can you look for anything but the invasion of your homes and the wasting of your substance. This condition of things must be ended. The Government commands the peace and sends troops to enforce the order. I proclaim that every man who comes in promptly and delivers up his arms will

be pardoned on taking the oath of allegiance. All men taken in arms against the Government will be transported to the military prison at Tuscaloosa and be confined there during the war.

Bridge-burners and destroyers of railroad tracks are excepted from among those pardonable. They will be tried by drum-head court-martial and be hung on the spot.

D. LEADBETTER,
Colonel, Commanding.

KNOXVILLE, *December 5, 1861.*

HON. SECRETARY OF WAR:

The following dispatch received this morning dated from Bird's Point:

Captain Cocke just in with two bridge-burners and other prisoners. Have no news from Colonel Leadbetter. Colonel Powel reports by special messenger that he has seen no gathering. Will hold his position. Will throw my forces over the river in the morning and report.

Dispatch from Morristown says courier in from Monsarrat. Cannonading and musketry at 8 o'clock. Tories have made a stand.

WM. H. CARROLL,
Brigadier-General, C. S. Army.

KNOXVILLE, *December 7, 1861.*

HON. SECRETARY OF WAR:

Captain Monsarrat has dispersed the tories in Cocke County and captured thirty of the ringleaders.

WM. H. CARROLL,
Brigadier-General, Commanding.

HEADQUARTERS,
Greeneville, Tenn., December 8, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: At the date of my last letter a part of the force under my command was engaged in the pursuit of a party of insurgents moving from their camp in the northern part of Greene toward Cocke County. As usual their force was dispersed and only some stragglers could be picked up. Among these prisoners were three who had been of the party that burned the Lick Creek bridge. They were Henry Fry, Jacob M. Hensie and Hugh A. Self. All confessed their own and testified to the others' guilt, and also gave as correctly as they could remember the names of the whole party engaged in that crime. Fry and Hensie were tried by drum-head court-martial on the 30th ultimo and executed the same day by hanging. I have thought it my duty to ask of the Department that the punishment of Hugh A. Self be commuted to imprisonment. He is only sixteen years old not very intelligent and was led away on that occasion by his father and elder brother both of whom I learn have now been captured by General Carroll's troops.

Hearing that the insurgents had gathered in force at or near the bend of Chucky River and thence to the neighborhood of Parrottsville and of Newport on the French Broad in Cocke County I moved the

Twenty-ninth North Carolina with two companies of the Third Georgia Battalion in that direction on the 3d instant. Hearing that General Carroll had troops on the line of railroad at Morristown I arranged with them by telegraph to move into the enemy's country at the same time and from opposite directions.

That country consists of a tumultuous mass of steep hills wooded to the top with execrable roads winding through the ravines and often occupying the beds of the water-courses. A few of the insurgent scouts were seen, pursued and fired on. One was desperately wounded and left at a cabin near by.

At the farm houses along the more open valleys no men were to be seen and it is believed that nearly the whole male population of the country were lurking in the hills on account of disaffection or fear. The women in some cases were greatly alarmed throwing themselves on the ground and wailing like savages. Indeed the population is savage.

The expedition lasted four days, and in the course of it we met Colonel Powel's command deep in the mountains and our guns were responded to at no great distance by a force under Captain Monsarrat.

These people cannot be caught in that manner. As likely to be more effective I have detached three companies of Colonel Vance's regiment to Parrottsville with instructions to impress horses from Union men and be active in seizing troublesome men in all directions. They will impress provisions giving certificates therefor, with assurance that the amounts will be paid if the future loyalty of the sufferer shall justify the clemency of the Government. The whole country is given to understand that this course will be pursued until quiet shall be restored to these distracted counties, and they can rely upon it that no prisoner will be pardoned so long as any Union men shall remain in arms. Three other companies of Colonel Vance's command are on their way to Warrensburg, on the north side of Chucky, to remain there under similar instructions.

It is believed that we are making progress toward pacification. The Union men are taking the oath in pretty large numbers and arms are beginning to be brought in. Captain McClellan, of the Tennessee cavalry, stationed by me at Elizabethton reports that Carter County is becoming very quiet and that with the aid of a company of infantry he will enter Johnson County and disarm the people there. I shall send the company without delay.

The execution of the bridge-burners is producing the happiest effect. This coupled with great kindness toward the inhabitants generally inclines them to quietude. Insurgents will continue for yet a while in the mountains but I trust that we have secured the outward obedience of the people.

Very respectfully, &c., your obedient servant,

D. LEADBETTER,
Colonel, Commanding.

KNOXVILLE, *December 10, 1861.*

Hon. SECRETARY OF WAR:

The court-martial has sentenced A. C. Haun, bridge-burner, to be hung. Sentence approved. Ordered to be executed at 12 o'clock to-morrow. Requires the approval of the President. Please telegraph.

WM. H. CARROLL,
Brigadier-General, Commanding.

RICHMOND, *December 10, 1861.*

General W. H. CARROLL, *Knoxville:*

Execute the sentence of your court-martial on the bridge burners. The law does not require any approval by the President, but he entirely approves my order to hang every bridge-burner you can catch and convict.

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS RIFLE BRIGADE,
Knoxville, December 11, 1861.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

SIR: In pursuance of your instructions by telegraph of yesterday the sentence of death pronounced by court-martial upon A. C. Haun, the bridge-burner, was executed by hanging at 12 o'clock to-day. The court-martial is still in session engaged in the trial of a number of others charged with complicity in the same crime. I am not advised of the nature or extent of the proof that can be brought against them but should it be sufficient and the court find them guilty the sentence whatever it may be will be promptly executed unless otherwise directed by you. In addition to those suspected of burning the bridges I have now in confinement about 150 more prisoners charged with taking up arms, giving aid and assistance to the enemy, inciting rebellion, &c. Those among them who have been proven guilty of the offenses alleged against them I shall send to Tuscaloosa in accordance with your instructions* by letter of November 25. I have already sent there forty-eight to be held as prisoners of war.

I have been greatly annoyed by the interference of the civil authorities with what I conceive the proper and faithful discharge of the duties incumbent upon me in my capacity of military commander of this portion of East Tennessee. Several attempts have been made to take offenders out of my hands by judicial process to be tried by the civil tribunals, which trials I am satisfied would in many instances have resulted in the release of those who are guilty and should be punished. In order to avoid these embarrassments I felt myself justified in placing the city under martial law until such time as all the prisoners charged with military offenses now in my custody can be tried by a military tribunal. If after this is done any should remain whose offenses come legitimately under the jurisdiction of the civil courts I will turn them over to the proper officers to be disposed of in that way. I have only been prompted to venture upon this stringent course by strong conviction that the public good imperatively demanded it.

The traitorous conspiracy recently so extensive and formidable in East Tennessee is I think well-nigh broken up as there is at present but little or no indication of another outbreak. I have small detachments of my force out in every direction suppressing any rebellious spirit that may be manifested and arresting those who are known to have been in arms against the Government. I am daily receiving the most encouraging evidences that the people are beginning to return to a sense of duty and patriotism as many of those who were heretofore unfriendly toward us are coming forward and giving every assurance of future fealty.

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*See Benjamin to Wood, p. 848.

For a detailed account of the operations of my command since taking the field I respectfully invite your attention to my official report* this day forwarded to the Adjutant and Inspector General.

I have the honor to be, yours, respectfully,

WM. H. CARROLL,
Brigadier-General.

[Inclosure.]

PROCLAMATION.

HEADQUARTERS RIFLE BRIGADE,
Knoxville, Tenn., December 11, 1861.

The exigencies of the time requiring as is believed the adoption of the sternest measures of military policy the commanding general feels called upon to suspend for a time the functions of the civil tribunals.

Now therefore be it known that I, William H. Carroll, brigadier-general in the Confederate Army and commander of the post at Knoxville, do hereby proclaim martial law to exist in the city of Knoxville and the surrounding country to the distance of one mile from the corporate limits of said city.

By order of Brig. Gen. William H. Carroll:

H. C. YOUNG,
Assistant Adjutant-General.

WAR DEPARTMENT, C. S. A.,
December 13, 1861.

Major-General CRITTENDEN, *Richmond, Va.*

SIR: In accordance with the verbal instructions communicated to you by the President you will proceed to Kentucky and assume command of all the forces now commanded by General Zollicoffer, including Carroll's brigade and the different posts established by General Zollicoffer at Cumberland Gap and other mountain passes. You will report directly to General A. S. Johnston by letter. Unless otherwise ordered by General Johnston your command will not include Eastern Tennessee, Colonel Leadbetter having been specially assigned by the President to the duty of maintaining the communications through that district of country and ordered to assume the command of the troops necessary for guarding the line and dispersing the insurrectionists and bridge-burners; nor will your command include the forces under General Marshall who has been ordered to report to General Johnston unless the latter shall so direct.

If by chance you shall, however, be thrown into command in any part of East Tennessee you will understand the policy of the Government to be to show no further clemency to rebels in arms. All actually engaged in bridge-burning should be tried summarily and executed if convicted by military authority. All others captured with arms or proven to have taken up arms against the Government are to be sent to Tuscaloosa as prisoners of war. All such inhabitants as are known to have been in league with the traitors may be pardoned if they promptly deliver up their arms and take the oath of allegiance to this Government. In such event they are to be protected in their persons and property; otherwise they should be arrested wherever found and treated as prisoners of war, and especially should care be taken to allow

* Not found.

none of them to remain armed. These are the instructions substantially that have been given to Colonel Leadbetter under which he has been acting.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

BRIGADE HEADQUARTERS,
Knoxville, Tenn., December 13, 1861.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

SIR: Your order to me of the 10th instant to join General Zollicoffer immediately with all my armed force reached me last night. I immediately set about making the necessary arrangements to carry the same into effect as indeed I had been doing for some days previous under instructions from General Zollicoffer himself. A portion if not all of my command would now have been on the march for General Zollicoffer's present position but for the unsettled condition of affairs in East Tennessee together with other obstacles that I have been utterly unable to overcome though I have made every possible exertion to that effect but as yet without success.

* * * * * * *

The indications of an extensive outbreak in East Tennessee at that time were so alarming that I deemed it unsafe to move my command through that country wholly unarmed. I therefore made application in every direction for guns of any description to serve me until my own should be ready for use. I finally after much annoyance succeeded in getting from the arsenal at Memphis about 400 flint-lock muskets, rifles and double-barreled shotguns. With these imperfect and almost worthless as they were I advanced to Chattanooga and halted my forces for a few days for the purpose of dispersing the different bands of traitors who were gathering in that vicinity. This object being accomplished I moved on to this point. When I reached here I found a general feeling of alarm and uneasiness prevailing throughout the surrounding country. Information every day reached me from all points that recreant Tennesseeans with a few miscreants from other States were organizing themselves into predatory bands in the counties of Blount, Sevier, Cocke, Hancock, Scott, Campbell and other counties bordering on the North Carolina and Kentucky line. I immediately sent out scouting parties of cavalry together with such small detachments of infantry as I could arm to protect and assist the loyal citizens of these counties in driving these base ingrates from their midst. These various parties have succeeded in arresting many of the rebellious and disaffected and bringing them to this place for trial. Out of the number thus arrested I have sent and will send about 100 as prisoners of war to Tuscaloosa. I have for some days past been receiving information from sources entitled to much credit that a considerable force of the enemy were threatening a descent from the Kentucky border upon the counties of Campbell and Scott by way of a small pass in the mountains above Cumberland Gap.

* * * * * * *

I have the honor to be, yours, respectfully,

WM. H. CARROLL,
Brigadier-General.

KNOXVILLE, TENN., *December 13, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

DEAR SIR: My letter to you of the 3d instant* was hastily and inconsiderately written and I regret the strong and intemperate language used; and inasmuch as no exceptions except in the most mild and gentlemanly terms have been taken to that letter I feel myself under the more obligations to make an apology.

I have been peculiarly situated here in East Tennessee. My fight with the Lincolnites for the last eight months has been as severe a conflict as any this war will record. I have not only held possession of the East Tennessee and Georgia road against the will of the Lincoln portion of my stockholders and for a long time guarded our bridges with troops in our own pay but I have worked the road all the time in the face of this violent and threatening opposition and never once failed to carry through both troops and munitions and provisions without delay. Moreover when the East Tennessee and Virginia completely broke down I did not hesitate to shoulder that responsibility and by superhuman efforts operated it also to what advantage to the army you are aware. Under all these circumstances worn down by excitement and labor I am sometimes thrown off my guard. When the Hessians burned my bridges Colonel Myers immediately wrote me to know what aid I needed. Not wanting to tax any one with my work I answered promptly, "None other than to send me funds due for work done for the Confederate States." Colonel Ashe came along; I gave him the same answer and he assured me our money should be paid and on his arrival at Richmond telegraphed me to send McClung immediately for our money. I sent McClung and was astonished to receive by telegraph from him the news that Colonel Myers not only repudiated Ashe's contract with the roads but it would be days before he would be able to send me money. This in addition to the fact that captains, majors, colonels, &c., were ordering our trains in and out hazarding life and property and leaving me no control of either road or ferries, and then the order from Richmond to guard Brownlow, the prince of bridge-burning Lincolnites over the mountains in safety, all conspired to put out of humor much more even-tempered men than myself.

* * * * * * *

In two weeks I will have a better bridge than the one destroyed.

Truly, yours,

C. WALLACE.

HEADQUARTERS CARROLL'S BRIGADE,
Knoxville, Tenn., December 19, 1861.

Hon. D. M. CURRIN, *Richmond, Va.*

DEAR SIR: * * * In September Major-General Polk sent General W. H. Carroll here for the purpose of endeavoring to bring the people over to the support of the Confederate Government and to enlist one or more regiments for the Army. General Carroll succeeded beyond his expectations, raising and organizing in a very short time a full regiment—coming too mostly from those counties where in June the heaviest vote had been polled against the separation of Tennessee

* Not found.

from the Federal Government. * * * This gratifying result I am satisfied is attributable almost entirely to the liberal and conciliatory policy of which I have spoken; but notwithstanding * * * there were still left a few leading miscreants and a handful of ignorant and deluded followers who were wicked enough for the commission of any crime however detestable. By these and these alone were the bridges burned and other depredations committed while the mass of the people were entirely ignorant of their designs and utterly opposed to any such wickedness and folly. The numbers engaged in these outrages have I know been greatly over-estimated as facts have been developed in the investigations that have been made by the court-martial now in session at this place which satisfy me beyond doubt that there were not at the time the bridges were burned 500 men in all East Tennessee who knew anything of it or who contemplated any organized opposition to the Government. * * * Scouting parties were sent out in every direction who arrested hundreds suspected of disloyalty and incarcerated them in prison until almost every jail in the eastern end of the State was filled with poor, ignorant and for the most part harmless men who had been guilty of no crime save that of lending a too credulous ear to the corrupt demagogues whose counsels have led them astray. Among those thus captured were a number of bridge-burners. These latter were tried and promptly executed.

* * * About 400 of the poor victims of designing leaders have been sent to Tuscaloosa as prisoners of war leaving in many instances their families in a helpless and destitute condition. The greatest distress prevails throughout the entire country in consequence of the various arrests that have been made, together with the facts that the horses and the other property of the parties that have been arrested have been seized by the soldiers and in many cases appropriated to personal uses or wantonly destroyed.

Old political animosities and private grudges have been revived and bad men among our friends are availing themselves of the opportunity afforded them by bringing Southern men to hunt down with the ferocity of bloodhounds all those against whom they entertain any feeling of dislike. * * * The wretched condition of these unfortunate people appeals to the sympathy and commiseration of every humane man. When in Richmond a short time since I was present at an interview with the President and feel assured that he has no disposition to exercise any unnecessary severity towards these deluded dupes. Those best acquainted with affairs here are fully impressed with the belief that if the proper course were pursued all East Tennessee could be united in support of the Confederate Government. Strong appeals have been made from all sections to General Carroll to release those now in prison here and the return of those sent to Tuscaloosa; but under the instructions from the Secretary of War by which he is governed he does not feel at liberty to do so.

* * * * * * *

Col. H. R. Austin visits Richmond for the purpose of impressing these views upon the President. Col. Landon C. Haynes will follow in a few days for the same purpose.

* * * * * * *

Respectfully, your friend,

H. C. YOUNG.

KNOXVILLE, TENN., *December 24, 1861.*

General S. COOPER,
Adjutant and Inspector General, Richmond.

SIR: * * * I am now disposing the troops of my command along the railroad throughout so as to protect the important bridges and the Department is aware that the number of men is none too great for that especial service. In the northern counties—such as Scott, Morgan and Campbell—disturbances are frequent and Southern men are much exposed. Notwithstanding the favorable aspect of things generally in East Tennessee the country is held by a slight tenure and the approach of an enemy would lead to prompt insurrection of an aggravated character. It should be constantly kept in awe by the presence of a respectable force.

* * * * * * *

Very respectfully, sir, your obedient servant,

D. LEADBETTER,
Colonel, Commanding.

RICHMOND, *December 26, 1861.*

General WITHERS, *Mobile:*

Have you the means of receiving and guarding in Mobile about 100 or 150 prisoners taken among the traitors of East Tennessee? They are not considered safe in Tuscaloosa.

J. P. BENJAMIN,
Secretary of War.

Trial of Harrison Self for bridge-burning.

KNOXVILLE, *December 27, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: Inclosed you will find the proceedings of a general court-martial held at Knoxville, Tenn., for the trial of Harrison Self, charged with burning Lick Creek bridge, and who was found guilty and condemned to be hanged at this place this day at 4 p. m., the execution of which was suspended by an order from you.*

Very respectfully,

W. H. CARROLL,
Brigadier-General.

[Inclosure.]

Be it remembered that the following proceedings were held at a general court-martial sitting at Knoxville, Tenn., on the 17th day of December, 1861, and succeeding days; said court-martial being ordered, organized and held under and by virtue of the following orders, viz:

HEADQUARTERS,
Knoxville, November 25, 1861.

A general court-martial is hereby appointed to meet at Knoxville on the 28th of November or as soon thereafter as practicable for the trial of such prisoners as may be brought before it.

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* Order not found. Self's sentence was mitigated by President Davis, but the order cannot be found among the Confederate archives.

Detail of the court: Col. R. F. Looney, Col. Moses White, Lieutenant-Colonel Bateman; Maj. D. H. Thrasher, Capt. J. A. Lea, Capt. Job Umphlett, Capt. J. D. Thomas, Capt. S. J. McReynolds, Capt. J. C. Carter, Capt. J. R. McCann, Capt. L. Guthrie, Captain McClung, Capt. R. Roddey, Maj. T. J. Campbell, judge-advocate.

By order of Brigadier-General Carroll:

G. H. MONSARRAT,
Acting Assistant Adjutant-General.

SPECIAL ORDERS, No. 92. } HEADQUARTERS, *Knoxville, December 10, 1861.*

The necessities of the service not permitting the absence of a greater number of officers from their respective commands the following officers are charged with the duty of remaining upon the general court-martial (commenced by Special Orders, No. 35) now in session in this city, viz: Col. Moses White, Lieutenant-Colonel Bateman, Major Lucas, Maj. D. H. Thrasher, Capt. J. R. McCann. Capt. S. J. McReynolds, Capt. J. D. Thomas, Capt. R. Roddey.

The officers thus detailed will constitute a court-martial for the trial of all persons who may be brought before them and will continue in session from day to day until further orders. Maj. T. J. Campbell will continue to act as judge-advocate.

By order of Brigadier-General Carroll:

H. C. YOUNG,
Assistant Adjutant-General.

HEADQUARTERS, *Knoxville, December 11, 1861.*

Of the above-named officers seven may sit upon said court-martial and their acts will be approved by the commanding officer.

W. H. CARROLL,
Brigadier-General, Commanding.

SPECIAL ORDERS, No. 100. } HEADQUARTERS, *Knoxville, December 14, 1861.*

Captain Cotter is detailed upon the general court-martial now in session in this city until further orders. He will report himself at the court-house in Knoxville immediately.

W. H. CARROLL,
Brigadier-General, Commanding.

SPECIAL ORDERS, No. 125. } HEADQUARTERS, *December 16, 1861.*

Captain Green is detailed upon a general court-martial now in this city. He will report to Major Campbell, judge-advocate, immediately.

By order of Brigadier-General Carroll:

H. C. YOUNG,
Assistant Adjutant-General.

And said court-martial being so in session on the 17th day of December, 1861—present: Lieutenant-Colonel Bateman, Major Lucas, Major Thrasher, Captain McReynolds, Captain Thomas, Captain Cotter and Captain Green, the judge-advocate, Major Campbell, and the defendant, Harrison Self, being also present—the judge-advocate read in the presence and hearing of the defendant the various orders concerning and constituting the court and asked the defendant if he had any objection to any member of the court, to which the defendant replied that he had no objection to any member of the court. The defendant made known to the court his desire to have the presence of Messrs. Haynes and Baxter, attorneys, to conduct his defense and said gentlemen were admitted to conduct his defense. The judge-advocate administered the following oath to each member of the court-martial present as above stated:

Oath.—You and each of you do swear that you will well and truly try and determine the matter now before you between the Confederate States and the prisoner to be tried and that you will duly administer justice according to the provisions of

an act establishing rules and articles for the government of the armies of the Confederate States without partiality, favor or affection, and if any doubt should arise not explained by said articles according to your conscience, the best of your understanding and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court-martial until it shall be published by proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial unless required to give evidence thereof as a witness in a court of justice in a due course of law; so help you God.

Lieutenant-Colonel Bateman then administered to Major Campbell, the judge-advocate, the following oath:

You do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial unless required to give evidence thereof as a witness by a court of justice in due course of law, nor divulge the sentence of the court to any but the proper authority until it shall be duly disclosed by the same; so help you God.

Thereupon the judge-advocate read aloud in the hearing of the defendant the charges against him. Said charges are hereto attached as a part of this record. The charges being read the judge-advocate thus addressed the defendant: "Harrison Self, you have heard the charges against you; how say you, guilty or not guilty?" Thereupon the defendant by his counsel filed the following plea the judge-advocate waiving all objection to same arising out of its want of form or that it was not duly sworn to:

The defendant, Harrison Self, for plea to the charges exhibited against him says that he is a citizen of the State of Tennessee and of the Confederate States of America and is entitled to the protection of the laws and the constitutions of both; and that he is not now and never has been connected with the army of the Confederate States or of the State of Tennessee in any way; that the crime imputed to him is treason and that he is alone amenable to civil authorities for the same, whereof he prays the judgment whether they will take cognizance of this case as he prays to be discharged, &c.

Argument being heard and the plea being fully considered by the court the same is dismissed and overruled. Thereupon the defendant by his counsel entered the plea of not guilty. The court proceeded to hear the evidence, and the witnesses were severally sworn and examined in the presence of the court, the judge-advocate and his counsel, and their testimony reduced to writing and signed by the deposing witnesses respectively and said testimony so taken is hereto appended as part of this record.

CHARGE I: Against Harrison Self for bridge-burning.

Specification 1.—For that on the 9th day of November, 1861, he the said Harrison Self with divers other persons did set [fire] to and cause to be burned down the railroad bridge across Lick Creek in the county of Greene, State of Tennessee, belonging to the said East Tennessee and Virginia Railroad Company, which said railroad bridge was in the use and employment of the Confederate States of America for the transportation of arms, munitions, army supplies, troops, &c., and the said Self did cause the same to be burned down for the purpose of cutting off and preventing said transportation of arms, &c., and thus to enable the enemies of said Confederate States to prevent the war against the same in the existing difficulty between said Confederate States and the United States of America.

CHARGE II: Being in arms against the Confederate States.

Specification 1.—For that on the 9th day of November, 1861, he the said Harrison Self with divers other persons did make an attack armed with guns, pistols and knives upon Azer Miller, Barding, Treexell, Pugh and others, soldiers in the C. S. Army, whilst stationed at Lick Creek bridge of the East Tennessee and Virginia Railroad for the purpose of guarding the said bridge, and so the said Harrison Self is guilty of being in arms against said Confederate States.

TESTIMONY.

ISAAC N. HACKER, corporal in Capt. M. Live's company cavalry, C. S. Army, aged about twenty-four years, a witness in behalf of the Confederate States was sworn and testified as follows:

On the night the Lick Creek bridge of the East Tennessee and Virginia Railroad was burned in the early part of November, 1861, I with six others was detailed from Capt. M. Live's company as guard at said bridge. Between 2 and 3 o'clock whilst five of us were in a tent near the bridge we were surrounded by a band of from forty to sixty men armed the most part of them with guns who, we in the tents being almost wholly unarmed, took us prisoners. The band was led by a man who called himself Colonel Fry. After taking us prisoners they placed a guard around us in the tent and all but the guard went to the bridge and in less than five minutes the bridge was in flames. After the bridge was burned the band or a large part of them came to the tent, gave us of the guard our choice either to take an oath not to take up arms against the Government or to die right then and there, to be killed immediately. We took the oath. They took the names of the guard down. During the time Fry cursed and abused us of the guard; said, "That night three months ago you men or men of your sentiments ran me from Greene County, but now I have you under my thumb and will do with you as I please." He also said he had within the past week been all over the railroad from Chattanooga to Bristol, and that all the bridges between these places would be burned that night; that Jeff Davis and South Carolina had had possession of it long enough; that they were now going to take it and use it themselves. They represented that they had a whole regiment besides cavalry near at hand. Some one of the crowd said the damned wire was done telling on them now. A telegraph wire runs along the line of the East Tennessee and Virginia Railroad. Some one of attacking party asked, "Where is Henry Harmon's gun." Some one else of the party replied, "I've got it."

I. N. HACKER.

Defendant declines to cross-examine.

JOHN W. MCDANIELS, witness on behalf of the Confederate States, aged nineteen years, sworn and testified as follows:

On the evening preceding the night on which the Lick Creek bridge was burned I was pulling corn in a field. Jacob Harmon and Jonathan Morgan came to the side of the field next to the public road when Harmon said he wanted us to come to his house that night and bring our arms. I told him I had no arms. He said he wanted me to come anyhow. Said he had seen Colonel Fry from Kentucky and that they were to burn the bridge that night. I went to Jacob Harmon's house that night in company with James McDaniels, Hugh A. Self, Andrew Self, Cannon Hann and Harrison McDaniels, all of whom are young men unmarried but Cannon Hann. We got to Harmon's at about 9 o'clock, the time appointed by Harmon. I saw there on that night (in addition to those who went there with me as above stated), viz, Henderson Lady, John Lady, William Housewright, Jacob Myers, Jonathan Morgan, Harrison Self (the present defendant), Alex. Hann, Arthur Hann, Henry Wampler, Matt. Hincher, William Hincher (drinking), Thomas Harmon, Henry Harmon and Jacob Harmon. David Fry he was there when I got there. Defendant came there after I got there. There were several present whose names I did not know. We staid till about 12 at night. David Fry administered an oath. I think he administered it to nearly all who were there. Oath was taken by putting hand on a U. S. flag; swore to support the Stars and Stripes and not to reveal anything of what was done that night and to do anything pressed upon us that night to do. Harrison Self, I think, was in the room when some of them took the oath. I think he himself took the oath. After the oath was administered to the party the party went to Lick Creek bridge, took the bridge guard in tents prisoners and then they burned the bridge. Crowd then dispersed. Harrison Self went with the party from Harmon's to the bridge. I saw him between bridge and Harmon's after the bridge was burned. Harmon on the occasion that I first referred to when I was in the field passed up toward the house of the defendant. I think Harrison Self's gun was there that night. Do not remember to have seen it in his house.

Cross-examined:

I think I remember the fact that Harrison Self's gun was there that night. I heard some one of the crowd say that the defendant was going to fetch his gun.

JOHN W. MCDANIELS.

THOMAS HARMON, witness on behalf of the Confederate States, sworn and testified as follows:

On the day preceding the night on which the Lick Creek bridge was burned Daniel Smith came to my father's house. My father was not present. Smith said that he had particular business with my father, Jacob Harmon. Said that Fry was to be there that night at my father's and he was going to tear up the railroad. Said Fry wanted father to come over to his (Daniel Smith's) house; the road was to be torn up that night. Father came back and I told him what Smith had said. Father went in the direction of Smith's. Said he was going there. I was slightly acquainted with Daniel Smith; have seen him since in the jail in Knoxville. That night at about 8 o'clock a crowd commenced assembling at my father's house. There came the following persons, to wit, John McDaniels, Harrison Self (the defendant)—he came in late—Andrew Self, Hugh Self, James McDaniels, Cannon Hann, Arthur Hann, Matt. Hincher, Henry Fry, Jacob Myers, William Willoughby, Granville Willoughby, Lazarus Rednens, another Rednens whose Christian name I do not know, James Guthrie, Elijah Willoughby and several others who were strangers to me. Jonathan Morgan was there; my father was there. Fry swore these men with the left hand on the flag (United States) and the right hand lifted up to secrecy and to do any and everything he impressed on them to do that night. Did not see him swear the defendant. After oath was administered they went on to the bridge; took the guard at the bridge prisoners then went and set fire to the bridge. I saw the defendant at my father's house and also in the company on the way to the bridge. I am well acquainted with the defendant. The interview with Smith at my father's took place at about 8 o'clock in the morning. Some of the crowd who were engaged in this matter were armed with guns and some not armed at all. Did not see the defendant have any gun.

THOMAS HARMON.

Defendant declines to cross-examine.

JONATHAN MORGAN, witness on behalf of the Confederate States, sworn and testified as follows:

I was at Jacob Harmon's on the night the Lick Creek bridge was burned. The defendant, Harrison Self, was there that night. I went home between 10 and 11 o'clock that night. Did not see the defendant sworn. Did not see him take any part in the occurrences of the occasion. Simply saw him there. Recollect speaking to him. Think he said something about going home. He said he had a notion of going home or something to that effect. Do not know whether he went home or not.

Cross-examined:

Defendant I think also said it was a bad business. Do not remember that he said he came down to stop it. He seemed to think it was a bad business. I did not see defendant do anything to stop it. He had a son about sixteen years of age there. Did not see defendant have any gun. Did not see him take the oath. I left before any oath was taken. Left when they were talking about the oath.

JONATHAN MORGAN.

The judge-advocate announced to the court that he had no further testimony to offer in chief.

The counsel for the defendant said that he had just learned that Alexander Lowe is a material witness for the defendant and that he thinks said testimony is of great importance and that the attendance of said witness can be obtained by Friday morning at 10 o'clock, and the court adjourned the further consideration of this case until Friday, December 20, 1861, at 10 a. m.

KNOXVILLE, TENN., *Friday, December 20, 1861.*

At 10 a. m. court met pursuant to adjournment.

Present: Each and all the members of the court who on Tuesday last were sworn on the trial of this case; the judge-advocate, the prisoner and his counsel being also present, Lieutenant-Colonel Bateman presiding.

The defendant introduced ALEXANDER LOWE, private in Captain Fry's company, Colonel Powel's regiment, C. S. Army, who being first sworn testified as follows:

I resided on the defendant's farm at the time the Lick Creek bridge was burned, in Greene County, Tenn. Before the burning of the bridge on the evening previous to its being burned defendant said it was a bad thing to burn the bridge. On the evening before the burning of the bridge Jacob Harmon came by the field where I was pulling corn with John McDaniels and told us to come down to his house that night; that the bridge was to be burned that night. In the evening in question I went past the house of the defendant. Saw him; asked him if anything had been said to him about the bridge-burning; told him what had been told me. Defendant said he had heard about the same thing. Defendant said it was a bad thing. I asked defendant if he was going. Said he did not know whether he was going down to Harmon's or not. He did not as I recollect say to me for me to stay at home and that he would go down to Harmon's and prevent it. Something was said about my wife being sick but nothing about his going down for the purpose of preventing it that I now recollect. Defendant lives about three or four miles from the bridge. He said he thought it was a bad thing. Don't know that he said it ought or ought not to be done. I was not at his house. I passed on by. Saw him at the hog-pen. Went on home. Saw him about dark. Defendant has been strong Union man. Not been a fool about it. Never acted harshly or made any threats to my knowledge. Not hostile to soldiers of Confederate States. Sold them supplies once—some salt. Never heard of his refusing to sell supplies. He lives a little over one mile from Jacob Harmon's. He said it was a bad thing. Those are the only words of condemnation of the bridge-burning that I recollect of his using. I was not giving the conversation particular attention. I did not think the thing would be done at all.

Cross-examined:

Saw defendant next morning early at home. He said nothing concerning the bridge. I did not know then that the bridge had been burned. Saw defendant early in the morning. Told me nothing about it being burned. Nothing about his having gone down to prevent it. I talked with him a little. Do not recollect of a word being said about the bridge being burned.

Re-examined:

Went by defendant's house early in the morning about sun-up. I had heard nobody else say anything about the bridge. I first heard of it from Etta Harmon. Did not tell me to invite anybody else or defendant to come down and burn bridge. Ever since Frémont's proclamation I have been a Southern man and openly said that when I fought I would fight for the South, and had talked thus to defendant before the bridge was burned and have volunteered. Defendant has heard me speak of my sentiments as above to defendant's counsel. Have talked with defendant about another army coming in here. He said it would make things worse here; that it would make the matter worse for another army to come in here but do not recollect that he ever said that if by volunteering he could prevent another army coming in here he would volunteer himself. Defendant is about fifty years of age. Has children grown and has grandchildren.

J. A. LOWE (his x mark).

The defendant through his counsel announced that he had no further testimony to offer. To allow the counsel for the defendant time to prepare his argument the court adjourned till to-morrow morning at 10 a. m.

KNOXVILLE, TENN., *December 21, 1861—10 a. m.*

Court met pursuant to an adjournment.

Present: Each and all the members of the court who were heretofore sworn for the trial of this case, Lieutenant-Colonel Bateman presiding; the judge-advocate, the prisoner, Harrison Self, and his counsel being also present.

The counsel for the defendant addressed an oral argument to the ear of the court to which the judge-advocate replied. The court was then

cleared for deliberation and having maturely considered the evidence the court do find, more than two-thirds of the members of the court concurring in the finding, the defendant Harrison Self:

Of the specification of the first charge, guilty.

Of the first charge, guilty.

Of the specification of the second charge, guilty.

Of the second charge, guilty.

And for such his offense the court doth sentence the defendant to be hanged by the neck until he is dead.

T. P. BATEMAN,
Lieut. Col. 11th Tenn. Regt. and President of the Court-Martial.
T. J. CAMPBELL,
Judge-Advocate.

The court-martial as far as this case is concerned adjourned *sine die*, yet to meet on Monday next at 10 a. m., to continue the investigation of other cases.

T. P. BATEMAN,
Lieut. Col. 11th Tenn. Regt. and President of the Court-Martial.
T. J. CAMPBELL,
Judge-Advocate.

KNOXVILLE, *December 26, 1861.*

The sentence of the court-martial in this case is approved and the prisoner is ordered to be executed in accordance therewith at 4 p. m. to-morrow.

W. H. CARROLL,
Brigadier-General.

KNOXVILLE, *December 21, 1861.*

Brigadier-General CARROLL:

The members of the court-martial sitting for the trial of persons charged with bridge-burning and other offenses beg respectfully to state that they have just concluded the trial of Harrison Self, charged with having burned the Lick Creek bridge, and from the testimony in the case have found him guilty and under a sense of stern justice have sentenced him, the defendant, to death by hanging. The court is unanimous, however, in the behalf—from the testimony in the case, from the character of the prisoner, from what the members of the court know of his previous life and conduct, from his known kindness of heart and his standing in the community as a good citizen, and from many other circumstances occurring in the trial which cannot be transferred to paper—that this is a proper case for commutation of punishment. It is our belief that the public interest will suffer nothing from this course, but that on the contrary every object will be gained that can be attained by the extreme penalty of death.

T. P. BATEMAN, *Lieutenant-Colonel.*
HUGH R. LUCAS, *Major.*
D. H. THRASHER, *Major.*
J. D. THOMAS, *Captain.*
WILL GREEN, *Captain.*
S. J. McREYNOLDS, *Captain.*
H. W. COTTER, *Captain.*
T. J. CAMPBELL, *Judge-Advocate.*

KNOXVILLE, *December 27, 1861.*

Hon. JEFFERSON DAVIS:

My father, Harrison Self, is sentenced to be hung this evening at 4 o'clock on a charge of bridge-burning. As he is my only earthly stay I beg you to pardon him.

ELIZABETH SELF.

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KNOXVILLE, *December 27, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

The execution of Self suspended. Guilty with palliating circumstances. Will forward papers in the morning.

WM. H. CARROLL,
Brigadier-General, C. S. Army.

—

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

The undersigned, officers of the C. S. Army, now on duty in Knoxville, Tenn., would most respectfully represent to your excellency that Harrison Self, condemned to be hung for participating in the burning of the Lick Creek bridge on the line of the East Tennessee and Virginia Railroad, is now held here in close confinement for execution. Already five persons have expiated upon the gallows for the burning of this bridge. The public danger which called for such punishment has in the opinion of the undersigned passed away and the crime itself has been sufficiently atoned for in the ignominious death of others more guilty than he whose punishment we seek to mitigate. We have heard and believe the fact to be true that Self who at first assented to the proposal to burn the bridge relented and abandoned the purpose; said it was a bad thing; and we have reason to believe that he tried to dissuade his comrades from the execution of their purpose but their stronger wills prevailed and he was thus dragged into a participation in it. In consideration of these facts we have understood that the court which tried him recommended a milder punishment than that of death. We respectfully join in this recommendation with an earnest hope that your excellency yielding to the dictates of mercy will spare this man's life.

JAS. W. GILLESPIE,
Colonel, Commanding Regiment Tennessee Volunteers.
R. F. LOONEY,
Colonel, Commanding Thirty-eighth Tennessee.
[And 25 other officers and citizens.]

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KNOXVILLE, TENN., *January 6, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War:*

There has been a recommendation sent to you by the court-martial sitting at this place to commute the punishment of Harrison Self who has been sentenced to be executed for being concerned in bridge-burning. I understand the recommendation to have been made unanimously by the court-martial to commute his punishment and I do not know that it would be of any use for me to say anything further on the subject to you. But as I have lived a neighbor to him and know him well I have been requested to write to you.

Harrison Self is a very good-natured, unsuspecting man, easily to be deceived, imposed upon or misled. I never knew a man that had a kinder heart. I cannot believe from what I know of him that he designed burning the Lick Creek bridge. I am indeed informed that when the plot was formed to burn the bridge he advised against it and would not go into it. That night he undressed to go to bed and finding his two sons gone, one sixteen and the other eighteen years of age, and fearing they had been inveigled into the conspiracy went in search of them and in this way he was present when the bridge was burned all the time advising the mad men who committed the act not to do so. I understand his sons were forced to go there and did nothing when they went. I understand his sons are both anxious if they will be permitted to volunteer. Previous to this they were young men of good character. The young men have been used as witnesses against the malignant plotters of the rebellion and arson and have not concealed anything but told the whole truth on all concerned. Would it not be best to let the young men volunteer and hold their father as a hostage for their good behavior? We would lose nothing by this course but we would probably gain much. Let us economize the muscle and sinew of the South and never let an opportunity pass to turn it to our account.

If examples are to be made let them be made of the leaders not of the unfortunate, the ignorant, the deceived. God it seems has prospered our cause and I believe He will to the end. He has put many of our enemies into our hands. Let us then exercise that highest attribute of God, mercy, and show ourselves worthy of his continued favor. I think mercy in this case will strengthen our cause, and it will make our cause and our Government to be loved and idolized in the little circle of this man's distressed family where before they did not know the principles or appreciate the men who are the head of our Government.

If you think the evidence of what I have written will be worth anything in the decision you may make and if you shall want to know anything further of me than appears in this letter you can inquire of Judge Robert L. Caruthers, Member of Provisional Congress, Tennessee.

I am, most respectfully,

R. ARNOLD,

Lieutenant-Colonel Twenty-ninth Regiment Tennessee Volunteers.

WAR DEPARTMENT, C. S. A.,
Richmond, Va., January 16, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I submit as you direct the following report on the proceedings of the court-martial which tried Harrison Self for bridge-burning and having found him guilty sentenced him to be hanged:

As accused was not in the army and the crime alleged against him was treason he claimed by his counsel the right as a citizen of Tennessee and the Confederate States to be tried by the civil authorities. Considered by the court and overruled.

Hacker, first witness for prosecution, does not allude to Harrison Self nor mention his name.

McDaniels, second witness for prosecution, saw accused at the place of rendezvous, a neighbor's house, which had been appointed for the bridge-burners. He thinks Harrison Self was in the room when some of the men swore to support the Stars and Stripes, &c., and he thinks he took the oath. Party went from Harmon's house, the place of ren-

dezvous, to the bridge. Saw Self between Harmon's and bridge. Did not see him at bridge. He thinks he remembers the fact that Harrison Self's gun was there that night. Heard some one of the crowd say that the defendant was going to bring his gun. He knows nothing except that accused was at Harmon's and does not tell why he thinks so.

Thomas Harmon, third witness for prosecution: Crowd commenced assembling at his father's house (Jacob Harmon's) about 8 o'clock. Saw Harrison Self there. Did not see defendant sworn. After party was sworn they went to the bridge. Saw the defendant with the company on the way to the bridge. Did not see him at the bridge. Did not see him have a gun.

Jonathan Morgan, fourth witness for prosecution: Harrison Self was at Jacob Harmon's on the night the bridge was burned. Did not see him sworn and did not see him take any part in the occurrences of the occasion. Simply saw him there. Spoke to him and thinks he said something about going home. He said he had a notion of going home or something to that effect.

Cross-examined: Defendant also said I think it was a bad business. Did not see him do anything to stop it.

Alexander Lowe, first witness for defense, private in Captain Fry's company, Colonel Powel's regiment, C. S. Army: Resided on defendant's farm at the time the bridge was burned. On the evening previous to the burning of the bridge the defendant said it was a bad thing to burn the bridge. He said he did not know whether he was going to Harmon's or not. He did not say that he was going down to prevent it—the burning of the bridge—that I now recollect. He said it was a bad thing. He lives three or four miles from the bridge. Defendant has been strong Union man. Not been a fool about it. Never acted harshly or made any threats to my knowledge. Not hostile to soldiers of Confederate States. Sold them supplies once—some salt. Never heard of his refusing to sell supplies. He said it was bad thing to burn the bridge. These are the only words of condemnation that I recollect of his using. I did not think the thing would be done at all.

Cross-examined: Saw defendant early next morning. He said nothing about the bridge. Nothing about having gone down to prevent its being burned.

Re-examined: Ever since Frémont's proclamation I have been a Southern man and openly said that when I fought I'd fight for the South and have talked thus to the defendant before the bridge was burned and have since volunteered. The defendant is about fifty years of age, has children grown and grandchildren.

Such is the sum and substance of all the evidence in the case. There are two petitions on file for a mitigation of the sentence, and after most maturely considering the whole case it does appear to me that he ought not to be hanged. All of which is respectfully submitted to the better judgment of your honor.

A. T. BLEDSOE,
Chief of Bureau of War.

P. S.—Accused was also tried for taking up arms against the Confederate States and found guilty. On what evidence I can not imagine unless because he was found in company with those who had arms or because one witness thought his gun was there and thought he heard some one in the crowd say he would bring his gun. No one saw him with arms.

Very respectfully,

A. T. B.

[Received War Department, December 28, 1861.]

President DAVIS:

SIR: At the request of many of our most reliable friends in East Tennessee I have come to Richmond to lay before you a faithful account of East Tennessee matters. * * *

It is the opinion of the best informed and most reliable men in East Tennessee that all the Confederate troops now employed in guarding the railroads and suppressing rebellion in East Tennessee except one regiment might be safely sent to other points where troops are really needed, and that if proper measures were immediately adopted to bring back to their families all innocent men who have been carried or frightened away from their homes it would restore peace and a sense of security to the people and put an end to all appearances of disloyalty to the Confederate Government in East Tennessee; and I believe that the wrongs they have suffered if properly explained and promptly relieved will afford an occasion for a striking display of the justice, wisdom and power of the Confederate Government which will do more to insure the fidelity of the people of East Tennessee than all the severity of punishment advised by the violent partisans of that section who have provoked the prejudices of the people against themselves and consequently against the Government of which they were supposed to be the true exponents.

Respectfully, &c.,

H. R. AUSTIN.

HEADQUARTERS,
Knoxville, Tenn., January 7, 1862.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

SIR: General Carroll having left this post yesterday I deem it my duty to take charge of the political prisoners now in confinement here. Their number is understood to be 130; has lately been increasing and with others expected to be captured soon I do not see how the court-martial is to keep pace with the exigencies of the occasion. Besides that mode of proceeding is very expensive and in my opinion an equally just and more summary disposition of those cases would be attended with happier results to the Government.

Under this conviction and acting in the spirit of the orders hitherto received by me I shall dissolve the court-martial convened by General Carroll on its determination of the few purely military cases yet to be tried and shall proceed with the political offenders as I have heretofore done at Greeneville.

If this course be not approved by the Department I beg to be promptly advised to that effect by telegraph. Captain Monsarrat who seems to be an excellent officer is the immediate commander of the post and I judge that there will be little occasion for interference with his functions as such.

Can any more prisoners be received at Tuscaloosa?

Very respectfully, your obedient servant,

D. LEADBETTER,
Colonel, Commanding.

HEADQUARTERS,
Knoxville, January 11, 1862.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

SIR: On the 9th instant I telegraphed* the Department that a writ of habeas corpus had been issued by the circuit court of the State of Tennessee and served on me in the case of Daniel Smith, charged as an accessory to the crime of bridge-burning.

To the writ I made answer that the prisoner had been seized in obedience to instructions of the War Department at Richmond and held as a prisoner of war; that he had been duly transferred as such to my custody and is now held by me commanding Confederate forces in East Tennessee. But the court claims that the validity of the answer must be tried and decided by the court. Judge [George] Brown who issued the writ is a Southern man and desires only to do his official duty. Some other judges of the State exercising the same authority may be less worthy of confidence and this question of jurisdiction between the military and civil authorities assumes much gravity whether it be decided by loyal or disloyal judges.

In the condition of the country immediately subsequent to the bridge-burning I should have paid no respect to a writ of habeas corpus. The military law of self-preservation prevailed at that time. But the circumstances are now less urgent and I infer that the Government does not wish to suspend the writ. Martial law might be proclaimed locally and the lawyers here think that the writ would thus be suspended. I do not see how so long as Congress has not suspended the writ.

The judges generally and perhaps without exception would decide that a man taken literally in arms against the Government is a prisoner of war. But there must occur many cases of serious guilt wherein the prisoner will be turned over to the civil courts to be bailed out and tried by his peers. If the military have any function or mission to perform in this disturbed country their efforts in that behalf will be frustrated by the interference of the civil courts for the military will be brought into contempt.

To-day I am served with another writ by Judge Brown including the cases of six or eight prisoners to be brought before Judge Humphreys' C. S. court, on the 16th.

I hope to receive from the Department full instructions for my guidance in all such cases.

Very respectfully, sir, your obedient servant,

D. LEADBETTER,
Colonel, Provisional Army, C. S.

The cases of James S. Bradford, Levi Trewhitt and others.

RICHMOND, VA., *January 20, 1862.*

His Excellency the PRESIDENT OF THE CONFEDERATE STATES.

SIR: In passing through East Tennessee I have been informed by a gentleman of integrity and whose loyalty to the Confederacy has never been questioned that some forty-five or fifty of the citizens of that section of country have been arrested by persons having or assuming to have military authority under this Government; that after arrest the most of them have been told they must volunteer or be sent to the

* Telegram not found.

Government prison at Tuscaloosa, Ala., and that those who refused to volunteer under such compulsion have been sent to and imprisoned at Tuscaloosa where they now remain.

The names of the persons thus dealt with as far as my information extends are as follows: Dr. John G. Brown, Charles B. Champion, James S. Bradford, Allen Marlow, Sidney Wise, John F. Kinchelow, Samuel Hunt, ——— Potts. W. R. Davis, ——— Gamble, Thomas L. Cate, John Bean, sr., and John Boon. These men were arrested by a captain of Tennessee cavalry and as I learn without ever having been before any tribunal, civil or military, without any specification of charges and without the examination of a single witness they were hurried off to imprisonment. Levi Trewhitt, William Hunt, Stephen Beard, John McPherson, George Munsey, ——— Thompson were taken to Knoxville but had no investigation before any tribunal. The first two were sent from thence to Tuscaloosa. The remaining four were released either on parole or unconditionally but after returning to their homes they were arrested by the captain of cavalry before alluded to and also sent to Tuscaloosa. As I am informed none of the persons whose names I have given were taken in arms or suspicioned of having been in arms against the Government.

I was requested to bring these facts to the attention of the Tennessee Congressional delegation. I learn that many if not all of them have received corroborative information. By their request I have been induced to bring the subject to your attention that justice might be done in the premises and the character of the Government vindicated. It is insisted and I presume correctly that the terror engendered by these arrests was an efficient cause in changing public sentiment in East Tennessee.

Respectfully,

JNO. C. BURCH.

[Indorsement.]

Secretary of War, for attention.

Those who acted for the Government can inform you whether political arrests were made and prisoners sent to Tuscaloosa as herein affirmed.

J. D[AVIS].

CLEVELAND, TENN., *January 8, 1862.*

Col. CHARLES M. MCGHEE.

DEAR SIR: I have received your request to write you the facts about the arrest of James S. Bradford by Capt. W. L. Brown's command, and he was a few days after sent to Tuscaloosa. The nature of the charge against him I am ignorant of. I feel confident that his arrest and transportation from here must have been done under a misconception of his position as regards the rebellious feeling that has disturbed East Tennessee, and had an investigation been allowed him he would have been discharged without spot or blemish. It is true he was originally a Union man and at the beginning of the secession amongst us had considerable influence with the party but before the period at which our State linked her future with the Southern Confederacy he became a loyal Southern man and from that day exerted all his influence and power for peace and submission. I know that it told to such a degree that their numbers were greatly lessened amongst us.

When we learned an armed body of men had assembled at Clift's for the purpose of resistance—the people in the county being much alarmed—some of his original Southern personal friends desired he should go over there and use his influence to get them to disperse. He consented to do so and informed me of his intention but I opposed his going fearing it might bring him into trouble from the Union people. He replied that his neighbors were anxious for him to go and as he was reflected on to some extent for former Union sentiments he felt it his duty to do all in his power to arrest the evil. He remained only a few hours at Clift's, stayed over night at Col. C. D. Luttrell's and returned there the day he was at Clift's. Colonel Luttrell who is an out-and-out original Southern man approved of and encouraged his mission to Clift's. He was there several days before the forces moved on Clift's camp and at home as they passed his house. So soon as he returned from the camp he informed me he could do nothing with them and I came into town and so informed my Southern friends. He even said it was dangerous to speak of peace to the motley crew.

I do not desire as you know to have any man released who in any way encouraged rebellion; but Bradford I know is an innocent man and is a good Southern man and so shown himself from date named and I would therefore be glad to see him released.

FRANCK W. LEA.

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CLEVELAND, TENN., *January 8, 1862.*

[Col. CHARLES M. MCGHEE.]

DEAR SIR: James S. Bradford, of this county, was arrested some time since and sent to Tuscaloosa. Mr. Bradford was originally a Union man but I know of no other charge that has been brought against him. Since the separation of the State from the Federal Government he has consistently recommended submission to the will of the majority of the people of the State. This I have heard him frequently do in the presence of Union men and secessionists. Mr. Bradford neither attended nor encouraged any of the meetings held in East Tennessee of a hostile character and I am satisfied he disapproved of the whole of them. I do not believe he ought to have been arrested but such was the excitement here at that time that but little was said about it by Southern rights men.

Now that everything is calm and quiet it is believed by the original secessionists of whom I am one that Bradford ought to be released. You know that I would be the last one who would screen any one who had any connection with Toryism in East Tennessee. I am satisfied, however, that Bradford had nothing to do with it and was arrested simply because he had been a Union man. In view of these considerations I respectfully submit whether it would not be better for our cause and justice be more perfectly subserved to have Mr. Bradford released or brought back and tried? If he is guilty let him be punished. If he is innocent you will agree with me that he ought to be discharged. You have only inquired of me as to Mr. Bradford. I might perhaps give you the names of others who have been submitted to equally as great outrages by the petty personal prejudices of some of our recent converts who are now in brief authority.

Very respectfully, your obedient servant,

SAML. A. SMITH.

KNOXVILLE, TENN., *January 20, 1862.*

On the 19th day of November last I arrested and brought to this place Levi Trewhitt, esq., of Cleveland, Tenn. This arrest was made under an order from Col. W. B. Wood, commanding the Sixteenth Alabama Regiment, who at that time was the commander of this post. The arrest was ordered because Mr. Trewhitt was suspected of a knowledge of the burning of the railroad bridges and the plans by which it was done. He was retained here for some weeks and then sent to Tuscaloosa by order of General W. H. Carroll, who succeeded Colonel Wood in command. There was no trial or investigation of the charges so far as I know or have understood.

JAS. W. GILLESPIE,
Colonel Forty-third Regiment Tennessee Volunteers.

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His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

Your petitioners, the undersigned citizens of Bradley County, Tenn., humbly represent and show unto your excellency that Levi Trewhitt, who is now as they understand confined in Mobile as a prisoner of war, is one of the old, influential citizens of Bradley County, Tenn.; that he is about sixty-five years of age and has been for the past few years afflicted with paralysis and as they now understand is sick and in the hospital at Mobile. They further state that said Trewhitt was a very useful man at home. We therefore pray that said Levi Trewhitt be released from said confinement upon his becoming a loyal citizen and taking an oath to support the constitution of the Confederate States of America; and as in duty bound will ever pray, &c.

WILLIAM GRANT.
T. L. HOYL.
JNO. B. HOYL.
[And 31 others.]

We, the undersigned officers in the Confederate service, fully concur with the above petitioners.

D. M. KEY,
Lieutenant-Colonel.
[JAMES W.] GILLESPIE,
Colonel Regiment Tennessee Volunteers.
[And 16 others.]

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STATE OF TENNESSEE,
Bradley County:

Personally appeared before me, the undersigned, an acting justice of the peace and duly authorized to administer oaths within and for the county and State aforesaid, John Blackburn, a man of undoubted truth and veracity and entitled to credit when on oath, and made oath in due form of law that at and about the time the rebellion in East Tennessee took place and about the time that it was understood that Clift was encamped with a regiment of men for the purpose of going to the State of Kentucky there was some disquietude in the settlement in which he resided, and in consequence thereof a meeting of divers of the citizens was held for the purpose of taking steps in relation to the condition of the country,

some talking of going and joining Clift in his rebellion, and at said meeting Levi Trewhitt, who as he now understands is confined at Tuscaloosa or Mobile as a prisoner of war, was present and opposed all and everything that had any tendency toward rebellion and advised them to go on with their ordinary business and keep out of all rebellion and to keep away from Clift, and by the exertion and influence of said Trewhitt said settlement became quieted down and the citizens went on with their ordinary business he all the time opposing any rebellion whatever, and none of said neighbors and citizens went to Clift or into the rebellion to the knowledge of affiant.

JOHN BLACKBURN.

Sworn to and subscribed before me this 16th day of January, 1862, and I certify that the said John Blackburn is a man of undoubted truth and veracity.

J. B. HUMPHREYS,
Justice of the Peace for Bradley County, Tenn.

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STATE OF TENNESSEE,
Bradley County:

Personally appeared before me, the undersigned, an acting justice of the peace and duly authorized to administer oaths within and for the said county of Bradley and State of Tennessee, Edmund Ramsey, a man of undoubted truth and veracity and entitled to credit when on oath, and made oath in due form of law that, in the summer of 1861, there was a company of men organized in the settlement where he resided who called themselves as home guards, furnishing their own arms, &c., and after General Zollicoffer issued a proclamation requesting said companies to stop drilling, Levi Trewhitt, whom he now understands to be confined in Tuscaloosa or Mobile as a prisoner of war, used his exertions and influence to get said company to cease drilling and by the aid of his exertions and influence said company was procured to cease drilling and obey said proclamation; and further states that at or about the time it was understood that Clift was encamped with a regiment of men in Hamilton County about forty miles distant on the north side of Tennessee River there was some disquietude among the citizens in the settlement where he resided and a meeting of some of the citizens for the purpose of taking steps, and a different meeting from the one in the settlement of G. R. and Benjamin Hambright as to going and joining the said Clift, and at said meeting said Levi Trewhitt opposed everything that had any tendency toward a rebellion, and advised the persons there assembled to keep out of said rebellion and not to join or go to Clift but to go on with their ordinary business, and by the aid of said Trewhitt's exertions and influence said disquietude was suppressed and said persons procured to go on with their business, and no person to affiant's knowledge went to said Clift or into the rebellion in any manner.

E. RAMSEY.

Sworn to and subscribed before me the 16th day of January, 1862, and I certify that the said Edmund Ramsey is a man of undoubted truth and veracity.

J. B. HUMPHREYS,
Justice of the Peace for Bradley County, Tenn.

STATE OF TENNESSEE,
Bradley County:

Personally appeared before me, the undersigned, an acting justice of the peace and duly authorized to administer oaths within and for the county and State aforesaid, G. R. Hambright and Benjamin Hambright, men of undoubted truth and veracity and entitled to credit when on oath, and made oath in due form of law that at and about the time the rebellion was taking place in East Tennessee there was some disquietude in the settlement in which they resided in said county, and that there was some talk among the neighbors as to what they should do relative thereto and as to going and joining Clift who they understood was encamped for the purpose of going to Kentucky and consequently a meeting of divers of the citizens for the purpose of taking steps in the premises, and affiants learning that fact went to the residence of Levi Trewhitt whom they understand now to be confined at Tuscaloosa or Mobile as a prisoner of war and procured him to go and be where these said persons were to assemble, who did go to said place and there opposed every thing or movement that had any tendency to a rebellion in East Tennessee and through his influence and exertions the people in said settlement were quieted and all tendency to rebel in said settlement was put down by his advising them against rebellion and to go on with their ordinary business and let Clift and his rebellion alone and keep themselves out of rebellion, and thereby the citizens went on with their ordinary business and none went into the rebellion to the knowledge of affiants.

BENJAMIN HAMBRIGHT.
G. R. HAMBRIGHT.

Sworn to and subscribed before me the 16th day of January, 1862, and I certify that the said G. R. Hambright and Benjamin Hambright are both men of undoubted truth and veracity.

J. B. HUMPHREYS,
Justice of the Peace for Bradley County, Tenn.

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STATE OF TENNESSEE,
Bradley County:

Personally appeared before me, Joseph H. Davis, an acting justice of the peace and duly authorized to administer oaths within and for the county and State aforesaid, Welcome Beard and made oath in due form of law that about the time that he understood that there was a rebellion in East Tennessee and that about the time he understood that Clift was encamped with a regiment of men in Hamilton County on the north side of the Tennessee River about twenty-three miles from the settlement of affiant for the purpose of going to the State of Kentucky there was some disquietude in the settlement of affiant and a meeting of divers persons near to affiant for the purpose of taking steps in relation to the rebellion, and affiant saw Levi Trewhitt whom he now understands is confined at Tuscaloosa or Mobile as a prisoner of war and held a private conversation with him who stated that he was opposed to all rebellion, and when they went where the crowd was affiant proposed that the said Levi Trewhitt make a speech to the crowd relative to what they had best do, and then the said Trewhitt gave them a talk in which he advised them all to keep out of all rebellion and go on with their ordinary business and by the aid and influence of

said Trewhitt every person there assembled was procured and did agree to keep out of all rebellion and keep away from Clift and his rebellion and go on with their ordinary business, and the said Trewhitt especially advised them to keep out of Clift's rebellion.

WELCOME BEARD.

Sworn to and subscribed before me the 17th day of January, 1862, and I certify that the said Welcome Beard is a man of undoubted truth and veracity.

JOS. H. DAVIS,
Justice of the Peace for Bradley County, Tenn.

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STATE OF TENNESSEE,
Bradley County:

Personally appeared before me, Joseph H. Davis, an acting justice of the peace for the county of Bradley and duly authorized to administer oaths within and for the county and State aforesaid, Alexander A. Clingan and made oath in due form of law that at or about the time of the rebellion in East Tennessee and at the time he understood that Clift was encamped in Hamilton County on the north side of Tennessee River about twenty-four miles from the residence of affiant Levi Trewhitt, whom affiant now understands to be confined at Tuscaloosa or Mobile as a prisoner of war, came by where affiant was and procured affiant to go with him to where some persons were to assemble for the purpose of taking steps as to what they should do and to assist him in suppressing anything that might occur tending to a rebellion and affiant did go. At said meeting the said Trewhitt made a speech or talk to the persons there assembled and advised them to keep out of all rebellion and especially to keep out of the Clift rebellion and to go on with their ordinary business and by the aid and assistance of the said Trewhitt said persons all agreed and promised to keep out of all rebellion and go on with their ordinary business.

A. A. CLINGAN.

Sworn to and subscribed before me the 17th day of January, 1862, and I certify that the said Alexander A. Clingan is a man of undoubted truth and veracity.

JOSEPH H. DAVIS,
Justice of the Peace for Bradley County, Tenn.

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CANNON'S STORE, *January 20, 1862.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

We, the undersigned petitioners, humbly request that E. Hodges and W. E. Hodges, citizens of Sevier County, Tenn., and who were sent to the military prison at Tuscaloosa and are as we understand now at Mobile, Ala., be released from prison and set at liberty by their giving full assurances of their loyalty to the State of Tennessee and the Confederate States. We also believe that the said Hodges have fully atoned for the crimes they have committed and that justice is fully satisfied in their cases. We, your petitioners, would further represent that men more guilty than they have been released and nolle prosequi

entered in their cases merely by their giving bond for their good behavior; and we would represent to you that the Hodges are men whose families are in straitened circumstances and those to whom clemency has been shown are in quite affluent circumstances.

We, the undersigned petitioners, would also represent to you that we are men that have in no way favored the late attempt at rebellion in Eastern Tennessee but have been contending and laboring for the cause of the South both before and since the difficulties have been upon our country, and we would further state that we ask not for their release upon any personal grounds but merely that even-handed justice be meted out to all alike. And your humble petitioners will ever pray, &c.

REND BIRDWELL.
JAMES W. CHAMBERS.
W. H. CANNON.
D. O. McCROSKY.
E. L. MULLENDORE.

HEADQUARTERS,
Knoxville, Tenn., January 21, 1862.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

SIR: * * * Outwardly the country remains sufficiently quiet but it is filled with Union men who continue to talk sedition and who are evidently waiting only for a safe opportunity to act out their rebellious sentiments. If such men are arrested by the military the Confederate and State courts take them by writ of habeas corpus and they are released under bond to keep the peace; all which is satisfactory in a theoretical point of view but practically fatal to the influence of military authority and to the peace of the country. It seems not unlikely that every prisoner now in our hands might or will be thus released by the Confederate court even after being condemned by court-martial to be held as prisoners of war.

It is reported to-day that several fragmentary companies recruiting in different counties ostensibly for the service of the Confederate States have suddenly disappeared; gone to Kentucky.

It is confidently hoped that the bridge over the Holston at Union will be completed in the current month.

Very respectfully, sir, your obedient servant,

D. LEADBETTER,
Colonel, Commanding.

HEADQUARTERS,
Knoxville, January 26, 1862.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

SIR: It is thought here that the fugitives from General Crittenden's army may not exceed 1,000 total. * * * The people here are anxious lest the two regiments of East Tennessee known to be with the enemy should enter the northern counties of Scott, Campbell, &c., all disloyal, raise those counties in more open rebellion, destroy the bridges and inaugurate a civil war. Those regiments broken up into companies might move from Somerset without commissariat and through

the mountain paths as they have always done in the opposite direction. The moment they get into the State they are surrounded by friends and the railroad line and the Government packing establishments are endangered. * * *

The Department is well aware of my opinion as to the political condition of East Tennessee. Only a little aid and comfort are needed to place it in open hostility to the Government.

If troops can by possibility be spared two or three additional regiments should be held disposable here or be so placed as to hold the northern counties in check.

Very respectfully, your obedient servant,

D. LEADBETTER,
Colonel, Commanding.

KNOXVILLE, TENN., *January 27, 1862.*

His Excellency JEFFERSON DAVIS,
President Confederate States of America.

SIR: The Army of the Cumberland is utterly routed and demoralized. The result is regarded with the profoundest solicitude. * * * There is now no impediment whatever but bad roads and natural obstacles to prevent the enemy from entering East Tennessee and destroying the railroads and putting East Tennessee in a flame of revolution.

Nothing but the appointment to the command of a brave, skillful and able general who has the popular confidence will restore tone and discipline to the army and confidence to the people. * * * Cannot you, Mr. President, right the wrong by the immediate presence of a new and able man?

Yours, truly,

LANDON C. HAYNES.

OFFICE OF DEPUTY PROVOST-MARSHAL,
Athens, Tenn., January 27, 1862.

Col. JOHN E. TOOLE, *Provost-Marshal, Knoxville, Tenn.*

DEAR SIR: I am gratified to hear that the thirty-nine caught in the mountains are dying. It is better for the country and better for posterity that they should die young—that is, as young as they are. The Captain Pierce who was conducting them hence is again in these parts. He was recently in Meigs and McMinn operating for more recruits. He told an old lady whose son he got into that unfortunate gang all about his affairs and made many apologies for letting her son get caught. She betrays him and if I had six or eight good cavalry I think I could get him. He has a partner by the name of Matthews in the same neighborhood whom I will try to get.

I suggest that as the conscripts have not been run out of Monroe County yet you try to get Captain Clark's cavalry company belonging to Colonel Ashby's regiment detailed for Captain Hicks and let me borrow a few men from him occasionally. If not this some other company. My vineyard is getting a little foul again. Last Friday I hired a horse and rode out to Dixon's factory and arrested two conscripts (one of them old Dixon's son) whom he had got detailed to guard his factory, and they were doing so by sleeping in the building. I over-

hauled that concern pretty thoroughly, searched the house and Dixon's residence for arms which were reported to me as being concealed there. I have no doubt that old Dixon and all he has connected with him are doing all they can for Lincoln.

I arrested his boss for saying that the next morning after the Holston and Watauga bridges were burnt a man said to him: "Well, there is good news." "What is it?" said he. "All the railroad bridges are burnt from the Georgia line to the Virginia line except the one at Loudon." He denied that he told that such a thing had been said by him and when I proved to his face that he had told this story he said he could not recollect who the man was. I took him before a magistrate and made him swear that he could not recollect who the man was. I let him go because the factory was spinning gun-cotton for the Government so they said and it could not run if he was taken away. He is there yet and thinks he is safe. What ought to be done with such a devil and with the whole set?

I will see about the cattle driving from Charleston. Cannot you send me copies of factory bonds? There are wagons slipping off from this county to Kentucky. I hear of it after they are gone. Buch inquires about his account.

Your obedient servant,

JNO. M. CARMACK,
Captain and Deputy Provost-Marshal.

CONGRESS HALL, *January 28, 1862.*

Hon. ROBERT OULD, *Assistant Secretary of War:*

The friends of the State prisoners from East Tennessee confined at Tuscaloosa or Mobile are very desirous of having their cases acted upon promptly by the Department. May I ask your early attention to the subject.

Yours,

THOMAS M. JONES.

WAR DEPARTMENT, C. S. A.,
Richmond, February 4, 1862.

Hon. L. C. HAYNES, *Knoxville, Tenn.*

SIR: On the 28th of January last Brigadier-General Withers was directed to release Samuel Hunt with other political prisoners upon their taking the oath of allegiance to the Confederate States.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, C. S. A.,
Richmond, February 24, 1862.

TO THE MEMBERS OF THE TENNESSEE DELEGATION IN THE CONGRESS.

GENTLEMEN: When a body of traitors a few months ago combined to wage war against the Government in Eastern Tennessee a number

of captives were taken. Those found engaged in actual commission of the crime of bridge-burning were tried by court-martial and executed. Others found in arms were by executive clemency considered rather as prisoners of war than as traitors and as such are held in custody in Mobile.

It is not only possible but probable that in the confusion and disorder of the times some innocent men have been confounded with the guilty yet it is almost impossible to discern the truth. Nothing could be more alien to the wishes and intentions of the Government than to exercise arbitrary power or to hold any of its citizens in custody except under due process of law. It was an act of clemency not of persecution to consider the misguided men found in arms as public enemies instead of traitors.

I have, however, received the inclosed statement* and petition of some of those now held as prisoners of war and from which you will perceive that they deny the fact that they were taken in arms or were hostile to the Government. If so they ought at once to be released. Will you be good enough to take this subject into consideration and give me your advice and counsel as to these men. Do you know them? Is there any one here that can tell whether or not their statements are correct? Do you think that they can be safely returned to East Tennessee at this time?

I would feel greatly obliged by your co-operation in this matter that I may do what is right for the individuals without endangering the public safety.

Very respectfully,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, *February 24, 1862.*

Hon. J. P. BENJAMIN.

SIR: Yours of this date with inclosed petitions has been duly considered. We are credibly informed that all the petitioning prisoners have been released from confinement except Stone, Anderson, Fitzgerald, Beam, Matthews and Evans. We think it was bad policy to discharge them but we know the Government acted in view of the best interests of the country. In answer to your interrogations we state that some of us know all the prisoners. We believe their statements false. We do not think it would be safe to permit them to return to East Tennessee at this time.

We are, sir, with great respect, your obedient servants,

E. L. GARDENHIRE.
WM. H. TIBBS.
H. S. FOOTE.
G. W. JONES.
J. B. HEISKELL.
G. A. HENRY.
WM. G. SWAN.

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* Not found.

[No date.]

I submit to Col. W. M. Churchwell, provost-marshal for East Tennessee, the following conversation of Captain Fry now a prisoner. I was placed in charge of the wife of said Fry to conduct her to her husband and allow her to communicate with him: Among other things spoken of by said Fry he was directing his wife how to dispose of his property. He told her that Colonel Carter would see that she got his wages, remarking that there was $1,000* due him aside from his wages. I then made him explain how the $1,000 extra came to be due him. He then told me that General Thomas had agreed to pay him $1,000 to come to East Tennessee. He did not tell on what business he came.

Respectfully submitted, &c.

A. C. BLEVINS,
Captain, C. S. Army.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 2, 1862.

General S. COOPER,
Adjutant and Inspector General, C. S. Army.

GENERAL: I have the honor to report that David Fry, arrested while attempting at the head of some forty others to make his way from East Tennessee to Kentucky, is now in custody in the jail of this city with nineteen of his company taken at the same time. David Fry who claims to be in the employ of the Federal Government was the ringleader of the bridge-burners who perpetrated such outrages in this State in November last. The depositions of two men who were with him on the night of the 8th of November conclusively show this and a private diary found on his person at the time of his arrest confirms their testimony. I beg to be informed what proceedings are to be held in his case which should be quickly disposed of. His speedy trial as a spy and traitor followed by the extreme penalty incurred would have a most salutary effect in this quarter.

Respectfully, your obedient servant,

E. KIRBY SMITH,
Major-General, Commanding.

APRIL 17, 1862.

Hon. SECRETARY OF WAR:

I understand that Michael Myers is expected in Richmond with a petition for the release of Jake Myers, one of the parties engaged in burning Lick Creek bridge in East Tennessee taken in Lee County, Va., on his way to Kentucky; also for the release of Daniel Smith. The former Secretary having been imposed upon by irresponsible persons in several flagrant cases established the rule not to act on such cases without consulting the member of the House of Representatives from the district. I hope that this man will not be released and that the present head of the Department will adopt the same rule.

Very respectfully,

J. B. HEISKELL.

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* See Thomas to McClellan, p. 889.

PROCLAMATION.

HEADQUARTERS,
Knoxville, April 18, 1862.

The major-general commanding this department charged with the enforcement of martial law believing that many of its citizens have been misled into the commission of treasonable acts through ignorance of their duties and obligations to their State and that many have actually fled across the mountains and joined our enemies under the persuasion and misguidance of supposed friends but designing enemies hereby proclaims:

First. That no person so misled who comes forward, declares his error and takes the oath to support the constitution of the State and of the Confederate States shall be molested or punished on account of past acts or words.

Second. That no person so persuaded and misguided as to leave his home and join the enemy who shall return within thirty days of the date of this proclamation, acknowledge his error and take an oath to support the constitution of the State and of the Confederate States shall be molested or punished on account of past acts or words.

After thus announcing his disposition to treat with the utmost clemency those who have been led away from the true path of patriotic duty the major-general commanding furthermore declares his determination henceforth to employ all the elements at his disposal for the protection of the lives and property of the citizens of East Tennessee whether from the incursions of the enemy or the irregularities of his own troops and for the suppression of all treasonable practices.

He assures all citizens in cultivating their farms that he will protect them in their rights and that he will suspend the militia draft under the State laws that they may raise crops for consumption in the coming year. He invokes the zealous co-operation of the authorities and of all good people to aid him in his endeavors.

The courts of criminal jurisdiction will continue to exercise their functions save the issuing of writs of habeas corpus. Their writs will be served and their decrees executed by the aid of the military when necessary. When the courts fail to preserve the peace or punish offenders against the laws these objects will be attained through the action of military tribunals and the exercise of the force of his command.

E. KIRBY SMITH,
Major-General, Commanding Department of East Tennessee.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
April 19, 1862.

Brig. Gen. S. P. CARTER [U. S. Army],
Commanding Twenty-fourth Brigade, Cumberland Ford.

GENERAL: In acknowledging the receipt of your communication* of the 16th instant let me assure you that nowhere within the limits of this department will any violation of the rules of civilized warfare meet with my sanction. David Fry was captured within our lines in citizen's dress and was sent to Knoxville charged as a citizen of East Tennessee with bridge-burning. He has as yet laid no claim to being a prisoner of war nor has he announced himself as an officer in the U. S. service. His presence within our lines in citizen's dress and engaged

* Not found.

in the felonious occupation of bridge-burning makes him amenable either as a citizen of East Tennessee to the criminal courts of the land or as a spy to the military court of the service.

Very respectfully, your obedient servant,

E. KIRBY SMITH,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 19, 1862.

Maj. W. L. EAKIN,
Commanding, &c., Morristown, Tenn.

MAJOR: The major-general commanding directs me to inform you in response to your communication of 18th instant that you will arrest all Union leaders who circulate exaggerated reports of the military draft and thereby induce ignorant men to fly their homes and go to Kentucky.

Very respectfully, your obedient servant,

H. L. CLAY,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 21, 1862.

MRS. ANDREW JOHNSON.

MADAM: By Maj. Gen. E. Kirby Smith I am directed to respectfully require that you and your family pass beyond the C. S. line through Nashville if you please in thirty-six hours. Passports will be granted you at this office.

Very respectfully,

[W. M. CHURCHWELL,]
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 21, 1862.

MRS. MAYNARD, *Knoxville.*

MADAM: By order of Maj. Gen. E. Kirby Smith I am directed respectfully to require that yourself and family pass beyond the C. S. line in thirty-six hours.

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 23, 1862.

Dr. F. A. RAMSEY, *Surgeon.*

DOCTOR: I am directed by the major-general commanding to inform you in response to your communication of this date that Mrs. Maynard will not be required to leave before the expiration of the time at which you state she will be able to bear the fatigue of travel.

Very respectfully, your obedient servant,

H. L. CLAY,
Assistant Adjutant-General.

PROCLAMATION.

KNOXVILLE, TENN., *April 23, 1862.*

TO THE DISAFFECTED PEOPLE OF EAST TENNESSEE:

The undersigned in executing martial law in this department assures those interested who have fled to the enemy's lines and who are actually in their army that he will welcome their return to their homes and families; they are offered amnesty and protection if they come to lay down their arms and act as loyal citizens within the thirty days given them by Maj. Gen. E. Kirby Smith to do so.

At the end of that time those failing to return to their homes and accept the amnesty thus offered and provide for and protect their wives and children in East Tennessee will have them sent to their care in Kentucky or beyond the Confederate State lines at their own expense.

All that leave after this date with a knowledge of the above facts will have their families sent immediately after them.

The women and children must be taken care of by husbands and fathers either in East Tennessee or in the Lincoln Government.

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 23, 1862.

First Lieut. JULIUS M. RHETT,
Battalion of Artillery, C. S. Army, Charleston, S. C.

SIR: On the 17th instant 475 Union men of East Tennessee were captured en route for Kentucky and sent by Major-General Smith's order on the 20th instant to Milledgeville, Ga. Some of them expressed a wish before leaving to enlist in the C. S. Army. They were not permitted to do so because of the apprehension that they might [not] be faithful here to their oaths of allegiance; elsewhere they may make good soldiers. Remembering your request the major-general commanding directs me to say that you have whatever authority he can give you to proceed to Milledgeville, Ga., and enlist as many of them as consent for service in South Carolina or elsewhere except in East Tennessee.

Very respectfully, your obedient servant,

H. L. CLAY,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 24, 1862.

M. T. HAYNES, Esq.

SIR: Mrs. Maynard applies for passports for two servants understood to be slaves. I am directed to ask your decision as to whether they are her property or not.

Respectfully,

W. M. CHURCHWELL.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
Knoxville, April 25, 1862.

The following-named persons are allowed in charge of Lieut. Joseph H. Speed to pass out of the Confederate States Government by way of Norfolk, Va.: Mrs. Horace Maynard and three children.

[W. M. CHURCHWELL,]
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 26, 1862.

COMMANDING OFFICER OF PRISON, *Atlanta, Ga.*

SIR: By direction of Maj. Gen. E. Kirby Smith, commanding this military department, I have to request that you will admit into the prison in which the Union men of Tennessee are confined Mr. W. H. Malone, a gentleman who bears this communication and whose loyalty is indorsed by some of the best and most patriotic citizens of the State. Mr. M. proposes to enlist into the army of the Confederacy such of the prisoners as may be disposed and whom he may deem reliable for service without the limits of this department. The major-general commanding heartily approves the motive which influences Mr. M. and trusts that the object he would attain will as far as possible be advanced by the authorities who have the prisoners in charge. You will release John Patterson, one of the prisoners who was by mistake sent among the number.

Very respectfully, your obedient servant,

H. L. CLAY,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 26, 1862.

Mrs. ANDREW JOHNSON.

MADAM: Your note* to Maj. Gen. E. Kirby Smith has been referred to this office and I am directed respectfully to reply in order to give you more time to make your arrangements for leaving. The time is extended thirty-six hours from the delivery of this second note when the major-general hopes you will be ready to comply with his request. You can go by way of Norfolk, Va., north, or by Kingston to Nashville. Passports and an escort will be furnished for your protection.

Very respectfully,

[W. M. CHURCHWELL,]
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 26, 1862.

Mrs. WILLIAM B. CARTER, *Elizabethton.*

MADAM: I am directed by Maj. Gen. E. Kirby Smith respectfully to require that you and your family pass beyond the C. S. line in thirty-

* Omitted as unimportant.

six hours from the delivery of this note by way of Cumberland Gap. Passports and an escort will be furnished you for your protection to the enemy's line.

Very respectfully,

W. M. CHURCHWELL.

[No date.]

TO THE PUBLIC:

The militia draft under the State laws having been suspended by the proclamation of Maj. Gen. E. Kirby Smith he also suspends the operation of the conscript bill in this department. It is expected all good citizens will return from Kentucky. They will not be molested if they come to remain and cultivate their farms and take care of their families.

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 28, 1862.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

GENERAL: I have the honor to report that a portion of the Fourth Regiment Tennessee Volunteers (Colonel Morgan) will leave to-day for Milledgeville, Ga., in charge of Union prisoners. The officer of the detachment is directed to report afterward with his command to the military authorities at Savannah, Ga. In more than one communication Brigadier-General Stevenson has reported many desertions from this regiment to the enemy and urged its removal from Cumberland Gap. Because of this and the general character of the regiment for disloyalty I have thought it best to send it beyond the limits of this department. Being thus removed beyond the influence of friends in the ranks of the enemy it is thought these men may make loyal and good soldiers. I trust my action in this matter will meet the approval of the Department.

Very respectfully, your obedient servant,

E. KIRBY SMITH,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 28, 1862.

Brig. Gen. D. LEADBETTER,
Commanding, &c., Chattanooga, Tenn.:

A citizen cannot be tried by a military court for an offense committed in a district before the declaration of martial law. The offender will be held for trial by some court in Georgia having jurisdiction of the case. This decision of the Attorney-General does not apply in cases where soldiers who are not citizens are upon trial.

H. L. CLAY,
Assistant Adjutant-General.

JONESBOROUGH, TENN., *April 28, 1862.*

Col. W. M. CHURCHWELL, *Provost-Marshal.*

SIR: My mission to Mrs. Johnson was unsatisfactory. She said she would not go North but Judge Patterson and her son Charles have assured me that she would go. You will please state what goods and chattels she will be allowed to take with her; also how much money and if you are willing that her son Charles shall accompany her. He is a young unmarried gentleman and I think should go with his mamma. Mrs. Carter will go unhesitatingly but has a sick child just now but can go in a few days. She says she has not the funds. She is in bad health and must take a nurse with her, a slave. You will answer by 12 o'clock.

A. J. CAMPBELL.

JONESBOROUGH, [*April*] *30, 1862.*

Col. W. M. CHURCHWELL:

Mrs. Johnson, her two sons, Mrs. Carter and her two children will leave to-morrow night for Norfolk. You will send passports, transportation for myself and everything else that is necessary. Send them by the conductor of the next train; if otherwise I will not get them in time. Also send me $50.

A. J. CAMPBELL.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
Knoxville, Tenn., May 14, 1862.

Capt. J. F. BELTON, *Acting Assistant Adjutant-General:*

By direction of the major-general commanding allow me respectfully to report the circumstances attending the arrest of William Galbraith and J. M. Meek who with others were sent to Tuscaloosa, Ala. A short time before their arrest a large number of deluded citizens mostly young men from the neighborhood of Galbraith and Meek (New Market, Jefferson County, East Tenn.) stampeded and started to Kentucky to join the enemy. They were intercepted by Captain Ashby's cavalry (Campbell County) and after a fight 400 were captured. From some of those prisoners information was obtained corroborating other statements orally made that caused the arrest of Galbraith and Meek with others. Inclosed marked A is a copy* of statements on file in this office showing the immediate cause of the arrests, and B* and C* since their arrests, and also statements* in their favor marked [illegible.]

A letter from two of Mr. Galbraith's friends inclosing one from his wife asks his release and makes the following statement in their letter: "We know that he (Galbraith) has been a Union man and perhaps in many instances disloyal to the Confederate Government." They then go on to state that they do not believe he had anything to do with the late stampede. Many responsible men have indorsed verbally the charges against Galbraith and Meek. That they are disloyal citizens none I believe pretend to deny and while some are fearless enough to commit themselves on paper as you will see by the inclosed original letter marked B* it may be well to remark that in this disaffected section of the country it is difficult to obtain tangible proof such as is desirable, but circumstantial evidence almost equal to

* Not found.

a demonstration may be had to convict the leaders who are solely to blame for the disloyalty of the masses. Having been for years their political leaders in whom they were in the habit of confiding it is not strange they will readily hear and believe what is said to them, the edicts of those leaders being their only means of communication. The masses generally are not well informed and really excite pity more than blame for their course of conduct. A change can hardly be effected without removing or destroying the influence of those well-known, unsound leaders throughout East Tennessee who are responsible for the deep disaffection. It has been the aim of the provost-marshal as he understood it to be the desire of the major-general commanding to make the masses and their leaders understand that the Government has power to enforce its laws and at the same time to conciliate as far as the interest of the Government would allow to use the power discreetly, justly but firmly.

I am, captain, very respectfully,

[W. M. CHURCHWELL,]
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
May 14, 1862.

MRS. ROBERT K. BYRD.

MADAM: Will it suit your convenience to visit Kentucky next week as formerly proposed by private conveyance to Cumberland Gap with proper escort? It is important to you as well as others. The colonel has been quite sick, but I learn has recovered and joined his regiment now at Cumberland Ford.

Very respectfully,

[W. M. CHURCHWELL,]
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
Knoxville, Tenn., May 15, 1862.

ROBERT B. RHEA,
Deputy Provost-Marshal, Blountsville:

Yours of the 14th instant to hand. It would be well to see that all men that have attempted to stampede to Kentucky will take the oath before they shall be recognized as citizens; and if they refuse to do so and you are convinced that they have attempted to join the enemy then it is your duty to arrest them and report the same to these headquarters. * * *

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

OFFICE DEPUTY PROVOST-MARSHAL,
Elizabethton, Tenn., May 19, 1862.

Col. W. M. CHURCHWELL, *Provost-Marshal.*

DEAR SIR: A few days since I communicated with Mrs. Johnson and Mrs. Carter in reference to their departure for the Federal lines. Col. Dan. Stover called on me yesterday and stated that Mrs. Johnson's

health was still very poor with no prospect of improvement shortly if ever. I have consulted with several physicians who state that Mrs. Johnson is consumptive and to remove her will probably cause her death. She is very anxious to remain here with her children and is not at all desirous to go to the bosom of "Andy." I called on Mrs. Carter a few moments since. Two of her children are a little sick now but will be well in a few days. She is anxious to go to her husband and if allowed to take a nurse she will go much more cheerfully. She says she won't go a step till her children get well enough to travel and till she is allowed to carry a nurse to assist her with the children. She prefers going by Cumberland Gap. I think Mrs. Johnson's health is not likely to improve; so if she has to go now is as good a time as any. These people are very quiet now. A great many gladly circulate false rumors in relation to Federal victories but I can't find out the originators of such stories.

* * * * * * *

Very respectfully,

WM. W. STRINGFIELD,
Deputy Provost-Marshal.

Union Designs in East Tennessee.—Failure to Arm and Support the Insurrectionists.

[For military reports, orders, correspondence, etc., having relation to these events, but not found herein, see "Revolt of the Unionists in East Tennessee," Series I, Vol. IV, p. 230 *et seq.;* also, Vol. VII, same series, p. 439 *et seq.*]

HEADQUARTERS,
Camp Dick Robinson, September 30, 1861.

Maj. Gen. GEORGE B. MCCLELLAN,
Commanding Department of the Potomac.

GENERAL: I have just had a conversation with Mr. W. B. Carter of Tennessee on the subject of the destruction of the grand trunk railroad through that State.* He assures me that he can have it done if the Government will intrust him with a small sum of money to give confidence to the persons to be employed to do it. It would be one of the most important services that could be done for the country, and I most earnestly hope you will use your influence with the authorities in furtherance of his plans which he will submit to you together with the reasons for doing the work.

I am, sir, very respectfully, your obedient servant,

GEO. H. THOMAS,
Brigadier-General, U. S. Volunteers, Commanding.

NEAR MONTGOMERY, MORGAN COUNTY, TENN.,
October 22, 1861. (Received November 4.)

Brigadier-General THOMAS.

SIR: I reached here at 2 p. m. to-day. I am within six miles of a company of rebel cavalry. I find our Union people in this part of the State

* See p. 881 for statement of A. C. Blevins.

firm and unwavering in their devotion to our Government and anxious to have an opportunity to assist in saving it. The rebels continue to arrest and imprison our people.

You will please furnish the bearers with as much lead, rifle powder and as many caps as they can bring for Scott and Morgan Counties. You need not fear to trust these people. They will open the war for you by routing these small bodies of marauding cavalry.

* * * * * *

I am obliged to send this note unsealed.

In haste, very respectfully, your obedient servant,

WM. BLOUNT CARTER.

NEAR KINGSTON, ROANE COUNTY, TENN.,
October 27, 1861. (Received November 4.)

General THOMAS.

SIR: I am now within a few miles of our railroad but I have not yet had time to obtain all the information I must have before I decide on the course best for me to adopt. If I can get half a dozen brave men to "take the bull by the horns" we can whip them completely and save the railroad. If I cannot get such leaders we will make a desperate attempt to destroy all the bridges and I firmly believe I will be successful.

* * * * * * *

This whole country is in a wretched condition; a perfect despotism reigns here. The Union men of East Tennessee are longing and praying for the hour when they can break their fetters. The loyalty of our people increases with the oppressions they have to bear. Men and women weep for joy when I merely hint to them that the day of our deliverance is at hand. I have not seen a secession flag since I entered the State. I beg you to hasten on to our help as we are about to create a great diversion in General McClellan's favor. It seems to me if you would ask it he would spare you at once 5,000 or 10,000 well-drilled troops. Will you not ask for more help?

I know you will excuse a civilian for making suggestions to a military man when you remember that I am risking my life and that I am about to ask my people to do the same. I find more deficiency in arms in this part of East Tennessee than I expected. You must bring some small-arms with you. I am satisfied that you will have to take the road by Monticello and Jamestown unless you come by Cumberland Gap.

I can assure you that whoever is the leader of a successful expedition into East Tennessee will receive from these people a crown of glory of which any one might well be proud, and I know of no one on whom I would more cheerfully bestow that crown than on yourself.

I regret that I can give you no more information but I will communicate with you as circumstances may require. Perhaps it would be well for you to let General McClellan know that I have reached East Tennessee as I know he is very anxious for my success.

I write in great haste but believe you may rely on all I have written.

Very respectfully, your obedient servant,

WM. BLOUNT CARTER.

HEADQUARTERS,
Crab Orchard, November 5, 1861.

Brig. Gen. W. T. SHERMAN,
Commanding Department of the Cumberland, Louisville, Ky.

GENERAL: * * * I inclose copies of two communications I have just received from Mr. William B. Carter, the brother of Lieutenant Carter, U. S. Navy.* If we could possibly get the arms and the four regiments of disciplined and reliable men we could seize the railroad yet. Cannot General McClellan be induced to send me the regiments? He can spare them easily I should think.

* * * * * * *

Very respectfully, your obedient servant,
GEO. H. THOMAS,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, November 7, 1861.

Brig. Gen. D. C. BUELL.

GENERAL: * * * So much in regard to political considerations. The military problem would be a simple one could it be entirely separated from political influences. Such is not the case. Were the population among which you are to operate wholly or generally hostile it is probable that Nashville should be your first and principal objective point. It so happens that a large majority of the inhabitants of Eastern Tennessee are in favor of the Union. It therefore seems proper that you should remain on the defensive on the line from Louisville to Nashville while you throw the mass of your forces by rapid marches by Cumberland Gap or Walker's Gap on Knoxville in order to occupy the railroad at that point and thus enable the loyal citizens of Eastern Tennessee to rise while you at the same time cut off the railway communication between Eastern Virginia and the Mississippi. It will be prudent to fortify the pass before leaving it in your rear.

[GEO. B. McCLELLAN.]

HEADQUARTERS,
Crab Orchard, November 7, 1861.

Governor ANDREW JOHNSON, *London, Ky.*

DEAR SIR: Your favor of the 6th instant is at hand.† I have done all in my power to get troops and transportation and means to advance into Tennessee. I believe General Sherman has done the same. Up to this time we have been unsuccessful. * * * If the Tennesseeans are not content and must go then the risk of disaster will remain with them. Some of our troops are not yet clothed and it seems impossible to get clothing.

* * * * * * *

Very respectfully and truly, yours,
GEO. H. THOMAS,
Brigadier-General, U. S. Volunteers.

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* See two preceding communications.
† Not found.

HEADQUARTERS EAST TENNESSEE BRIGADE,
Camp Calvert, November 12, 1861.

Brig. Gen. GEORGE H. THOMAS, U. S. Army.

DEAR GENERAL: * * * Yesterday I sent forty-five pounds rifle powder, fifty pounds lead and twenty boxes rifle caps into East Tennessee for the Union men. I borrowed the whole from Colonel Garrard. Will you have the kindness to have rifle powder forwarded to me not only to return that borrowed but also for further distribution among the mountain men? The ammunition sent yesterday was to be delivered to the men mentioned by my brother in his letter to you. Lead and caps are also needed.

We thank you, general, for your assurance that as soon as you can you will move toward East Tennessee. Our men and officers have entire confidence in you and shall be most happy to see you in our midst. If the reports made to me to-day are true—and they seem to be reliable—we might get possession of the mountain passes without loss or even opposition. Do you not think so?

I am persuaded you will do what is right and proper.

With respect,

S. P. CARTER,
Acting Brigadier-General, Comdg. East Tennessee Brigade.

HEADQUARTERS EAST TENNESSEE BRIGADE,
Camp Calvert, November 16, 1861.

Brig. Gen. GEORGE H. THOMAS, U. S. Army,
Commanding, &c., Crab Orchard, Ky.

GENERAL: My brother William has just arrived from East Tennessee and the news he brings I think of so much importance that I will dispatch a special messenger to convey it to you. My brother left Roane County near Kingston on Monday night last. He reports that on Friday night, 8th instant, of last week he succeeded in having burned at least six and perhaps eight bridges on the railroad, viz: Union bridge in Sullivan County, near the Virginia line; Lick Creek bridge in Greene County; Strawberry Plains in Jefferson County, fifteen miles east of Knoxville, partially destroyed; Hiwassee bridge, seventy miles southwest of Knoxville and on the East Tennessee and Georgia Railroad; two bridges over the Chickamauga between Cleveland and Chattanooga and between Chattanooga and Dalton, Ga. These bridges are certainly destroyed. The Long Island bridge at Bridgeport on Tennessee River, and a bridge below Dalton on the Western Atlantic road are probably destroyed.

The consternation among the secessionists of East Tennessee is very great. The Union men are waiting with longing and anxiety for the appearance of Federal forces on the Cumberland Mountains and are all ready to rise up in defense of the Federal Government. My brother states that he has it from reliable sources that the rebels have but 15,000 men at Bowling Green many of them badly armed and poorly organized. The other 15,000 men are distributed at two other points in Southwestern Kentucky.

The above information was obtained from Union members of Tennessee Legislature who were at Bowling Green on last Monday was a week ago.

* * * * * * *

General, if it be possible do urge the commanding general to give us some additional force and let us advance into East Tennessee; now is the time. And such a people as are those who live in East Tennessee deserve and should be relieved and protected. You know the importance of this move and will I hope use all your influence to effect it. Our men will go forward with a shout to relieve their native land.

The brigade commissary has not yet handed in his report of the amount of provisions on hand; but I think we have already nearly if not quite a month's supply on hand.

With much respect, I am, dear general, yours, very truly,

S. P. CARTER,

Acting Brigadier-General, Comdg. East Tennessee Brigade.

HEADQUARTERS EAST TENNESSEE BRIGADE,
Camp Calvert, November 17, 1861.

Brig. Gen. GEORGE H. THOMAS, U. S. Army,
Commanding, &c., Crab Orchard, Ky.

GENERAL: My brother* who will hand you this can give you all the news we have received since my letter of yesterday from Knox County, Ky.

* * * * * * *

With much respect, yours, very truly,

S. P. CARTER,

Acting Brigadier-General, Comdg. East Tennessee Brigade.

CAMP CALVERT, EAST TENN., *November 20, 1861.*

General GEORGE H. THOMAS,
Commanding, &c., Crab Orchard.

GENERAL: * * * Recruits are arriving almost every day from East Tennessee. We have no arms to put into their hands. The Union men coming to us represent the people in East Tennessee as waiting with the utmost anxiety the arrival of the Federal forces. They are all ready to join them and do their part toward the deliverance of their native land. Union camps are already forming in some of the counties and unless help soon reaches them as they have but little ammunition they will be scattered or destroyed.

* * * * * * *

With the hope of soon seeing you here, respectfully, your obedient servant,

S. P. CARTER,

Acting Brigadier-General, Commanding.

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* William Blount Carter.

HEADQUARTERS EAST TENNESSEE BRIGADE,
Camp Calvert, November 24, 1861.

Brig. Gen. GEORGE H. THOMAS,
Commanding, &c., Danville, Ky.

GENERAL: * * * We have arrivals every day from East Tennessee. The condition of affairs there is sad beyond description and if the loyal people who love and cling to the Government are not soon relieved they will be lost.

* * * * * * *

Respectfully, your obedient servant,

S. P. CARTER,
Acting Brigadier-General, Commanding.

HEADQUARTERS OF THE ARMY, ADJT. GEN.'S OFFICE,
Washington, D. C., November 25, 1861.

Brig. Gen. D. C. BUELL,
Commanding Department of the Ohio.

GENERAL: * * * I am still convinced that political and strategical considerations render a prompt movement in force on Eastern Tennessee imperative. The object to be gained is to cut the communication between the Mississippi Valley and Eastern Virginia; to protect our Union friends in Tennessee and re-establish the Government of the Union in the eastern portion of that State. Of course Louisville must be defended but I think you will be able to do that while you move into Eastern Tennessee. If there are causes which render this course impossible we must submit to the necessity but I still feel sure that a movement on Knoxville is absolutely necessary if it is possible to effect it. Please write to me very fully.

Very truly, yours,

GEO. B. McCLELLAN,
Major-General.

HEADQUARTERS EAST TENNESSEE BRIGADE,
Camp Calvert, November 25, 1861.

Brig. Gen. GEORGE H. THOMAS, U. S. Army,
Commanding, &c., Danville, Ky.

GENERAL: * * * The rebel force at Cumberland Gap is from the best information I can obtain so small that I think we will meet with but little opposition in case it is determined to advance by that pass. Our desires are to get to East Tennessee as soon as possible in order that our loyal friends there may be relieved. Many of them have been lying out in the woods to escape their enemies but as the season advances they will be driven to their houses and be forced into the rebel ranks or carried to prison. Let us up and help them now when it will require so little to accomplish this desirable and necessary end.

* * * * * * *

I am, general, respectfully and truly, yours,

S. P. CARTER,
Acting Brigadier-General, Commanding.

NOVEMBER 27, 1861.

Brig. Gen. D. C. BUELL.

GENERAL: What is the reason for concentration of troops at Louisville? I urge movement at once on Eastern Tennessee unless it is impossible. No letter from you for several days. Reply. I still trust to your judgment though urging my own views.

GEO. B. McCLELLAN,
Major-General, Commanding.

WASHINGTON, *Monday night* [*November 29, 1861*].

Brig. Gen. D. C. BUELL, *Louisville.*

MY DEAR BUELL: * * * Keep up the hearts of the Tennesseeans. Make them feel that far from any intention of deserting them all will be done to sustain them. Be sure to maintain their ardor for it will avail you much in the future. I am not as a general rule at all disposed to scatter troops. I believe in attacks by concentrated masses but it seems to me with the little local knowledge I possess that you might attempt two movements—one on Eastern Tennessee say with 15,000 men, and a strong attack on Nashville as you propose with say 50,000 men.

I think we owe it to our Union friends in Eastern Tennessee to protect them at all hazards. First secure that; then if you possess the means carry Nashville.

* * * * * * *

In haste, truly, yours,

GEO. B. McCLELLAN,
Major-General.

WASHINGTON, *December 3, 1861.*

Brig. Gen. D. C. BUELL, *Louisville.*

MY DEAR BUELL: I inclose two letters which were referred to me by the President and were intended for your eye. I do so feeling sure that you sympathize with me in my intense regard for the noble Union men of Eastern Tennessee; that you will overlook all mere matters of form; and that you will devote all your energies toward the salvation of men so eminently deserving our protection. I understand your movements and fully concur in their propriety but I must still urge the occupation of Eastern Tennessee as a duty we owe to our gallant friends there who have not hesitated to espouse our cause.

Please send then with the least possible delay troops enough to protect these men. I still feel sure that the best strategical move in this case will be that dictated by the simple feelings of humanity. We must preserve these noble fellows from harm; everything urges us to do that—faith, interest and loyalty. For the sake of these Eastern Tennesseeans who have taken part with us I would gladly sacrifice mere military advantages; they deserve our protection and at all hazards they must have it. I know that your nature is noble enough to forget any slurs they may cast upon you. Protect the true men and you have everything to look forward to. In no event allow them to be crushed out. * * * You may fully rely on my full support in the movement I have so much at heart—the liberation of Eastern Tennessee.

Write to me often fully and confidentially. If you gain and retain possession of Eastern Tennessee you will have won brighter laurels than any I hope to gain.

With the utmost confidence and firmest friendship, I am, truly, yours,

GEO. B. McCLELLAN,
Major-General, Commanding U. S. Army.

[Extracts from Inclosure No. 1.]

HEADQUARTERS EAST TENNESSEE BRIGADE,
Camp Calvert, near London, Ky., November 21, 1861.

Hon. HORACE MAYNARD.

DEAR SIR: The copy of Evening Star received this evening assures me you have not forgotten me.

* * * * * * *

Our men are most anxious to return to Eastern Tennessee, not so much to see their families as to drive the rebels from the country. We are all inclined to think that help will be deferred until it is too late to save our people. This ought not to be so.

Two or three batteries and 10,000 men provided even with powder and lead for the people could save Eastern Tennessee at this time. Will help never come?

* * * * * * *

Can you not get those in power to give us a few more men and permission to make at least an effort to save our people? Do try. They are even now in arms and must be crushed unless assistance soon reaches them.

Two men came in from Carter this evening who have been nearly six weeks on the way.

With respect, yours, truly.

S. P. CARTER.

[Indorsement.]

DECEMBER 3, 1861.

Please read and consider this letter.

A. L[INCOLN].

[Extracts from Inclosure No. 2.]

HEADQUARTERS EAST TENNESSEE BRIGADE,
Camp Calvert, November 25, 1861.

Hon. HORACE MAYNARD.

MY DEAR SIR: * * * I know not what will be the next move but hope most sincerely it may be toward Eastern Tennessee. If something is not done and that speedily our people will be cut up and ruined. A column should be ordered to move into Eastern Tennessee, one detailed for that purpose and no other to go without reference to any other movement with the specific object of relieving our people simply on account of their loyalty and as though it were entirely disconnected with any military advantages. I intend to say that our people deserve protection and should have it at once and independently of all outside considerations.

* * * * * * *

If we had a battery I believe we could go into Tennessee and then if we could carry arms or even powder and lead to furnish to our people I believe we could stay there.

Will help ever come? I do not mean contingent aid but special and direct.

We are getting along well. Most of our men have returned who left on night of 13th and all are elated at the orders to remain here. If it be possible have it so arranged that the Eastern Tennesseeans shall not again except in case of urgent and pressing necessity be ordered back toward Central Kentucky. Many would sooner perish in battle than turn their backs toward the Tennessee line again.

* * * * * * *

With best wishes, I am, yours, very truly,

S. P. CARTER.

[Indorsement.]

DECEMBER 3, 1861.

Please read and consider this letter.

A. L[INCOLN].

CAMP CALVERT, KY., *December 4, 1861.*

Brig. Gen. GEORGE H. THOMAS,
Commanding, &c., Lebanon, Ky.

GENERAL: * * * We have some rebels in camp from Scott County, East Tenn. They were brought in yesterday by some Tennesseeans and Kentuckians. They have been noted for the bitterness of their enmity to the Union cause and the unrelenting manner in which they have persecuted loyal men. Four of them are said to be members of a rebel company of rangers one of whom is a sergeant. What shall be done with them?

* * * * * * *

Respectfully, your obedient servant,

S. P. CARTER,
Acting Brigadier-General, Commanding.

WASHINGTON, [*December*] *5, 1861.*

General D. C. BUELL.

MY DEAR BUELL: I have only time before the mail closes to acknowledge yours of the 30th. * * * Let me again urge the necessity of sending something into East Tennessee as promptly as possible. Our friends there have thrown their all into the scale and we must not desert them. I tell the East Tennessee men here to rest quiet that you will take care of them and will never desert them.

* * * * * * *

In haste, truly, your friend,

McCLELLAN.

WASHINGTON, *December 7, 1861.*

General D. C. BUELL:

We have just had interviews with the President and General McClellan and find they concur fully with us in respect to the East Tennessee

expedition. Our people are oppressed and pursued as beasts of the forest. The Government must come to their relief. We are looking to you with anxious solicitude to move in that direction.

ANDREW JOHNSON.
HORACE MAYNARD.

DECEMBER 8, 1861.

Hon. Mr. MAYNARD and Governor JOHNSON, of Tennessee,
Washington:

I have received your dispatch. I assure you I recognize no more imperative duty and crave no higher honor than that of rescuing our loyal friends in Tennessee whose sufferings and heroism I think I can appreciate. I have seen Colonel Carter and hope he is satisfied of this.

D. C. BUELL,
Brigadier-General, Commanding.

WASHINGTON, *December 8, 1861.*

General GEORGE H. THOMAS.

GENERAL: * * * You are still farther from East Tennessee than when I left you nearly six weeks ago. There is shameful wrong somewhere; I have not yet satisfied myself where. That movement so far has been disgraceful to the country and to all concerned. I feel a sense of personal degradation from my own connection with it greater than from any other part of my public actions. My heart bleeds for these Tennessee troops. I learn they have not yet been paid and are left without either cavalry or artillery at London and not permitted to do what is their daily longing—go to the relief of their friends at home. With Nelson and the measles and blue-grass and nakedness and hunger and poverty and home-sickness the poor fellows have had a bitter experience since they left their homes to serve a Government which as yet has hardly given them a word of kindly recognition. The soldiers of all the other States have a home government to look after them. These have not and but for Carter who has been like a father to them they would have suffered still more severely. That they at times get discouraged and out of heart I do not wonder. My assurances to them have failed so often that I should be ashamed to look them in the face.

* * * * * * *

With renewed assurance of confidence and sympathy I am, very respectfully, your obedient servant,

HORACE MAYNARD.

LOUISVILLE, KY., *December 10, 1861.*

Maj. Gen. GEORGE B. MCCLELLAN,
Commanding U. S. Army.

MY DEAR FRIEND: As I informed you by telegraph I received your letters of the 3d and 5th. I have by no means been unmindful of your wishes in regard to East Tennessee and I think I can both appreciate and unite in your sympathy for a people who have shown so much constancy. That constancy will still sustain them until the hour of deliver-

ance. I have no fear of their being crushed. The allegiance of such people to hated rulers even if it could be enforced for the moment will only make them the more determined and ready to resist when the hour of rescue comes.

The organization of the division at Lebanon has been with special reference to the object which you have so much at heart though fortunately it is one which suits any contingencies that can arise. I shall hasten its preparation with all the energy and industry I can bring to bear. The plans which I have in view embrace that fully.

* * * * * * *

Truly, yours,

D. C. BUELL.

HEADQUARTERS TWELFTH BRIGADE,
Somerset, December 23, 1861. (Received 25th.)

Brig. Gen. GEORGE H. THOMAS,
Commanding First Division, Lebanon, Ky.

GENERAL: Captain Fry,* Company F, Second Regiment East Tennessee Volunteers, was detailed for special service in October last by your orders and left for Tennessee in company with my brother, Rev. W. B. Carter. I fear that he has been captured by the rebels, and if not that he is so environed by them as to leave but little hope of his being able to return to his regiment. His company is of course still without a captain. I wish your advice as to whether it will or will not be advisable under the circumstances to have the position filled by a new appointment. I write at the request of the colonel of the Second Regiment.

* * * * * * *

Respectfully, your obedient servant,

S. P. CARTER,
Acting Brigadier-General, Commanding Twelfth Brigade.

HEADQUARTERS,
Washington, D. C., December 29, 1861.

Brig. Gen. D. C. BUELL, *Louisville:*

Johnson, Maynard, &c., are again becoming frantic and have President Lincoln's sympathy excited. Political considerations would make it advisable to get the arms and troops into Eastern Tennessee at a very early day; you are, however, the best judge. Can you tell me about when and in what force you will be in Eastern Tennessee? Is Schoepf competent? Do you wish any promotions made from your colonels? Better get the Eastern Tennessee arms and clothing into position for distribution as soon as possible. I will write you fully as soon as I am well enough. Please answer by telegraph.

GEO. B. McCLELLAN,
Major-General, U. S. Army.

WASHINGTON, *January 4, 1862.*

General BUELL:

Have arms gone forward for East Tennessee? Please tell me the progress and condition of the movement in that direction. Answer.

A. LINCOLN.

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* See Smith to Cooper, p. 881; also, Smith to Carter, p. 882.

LOUISVILLE, KY., *January 5, 1862.*

To the PRESIDENT:

Arms can only go forward for East Tennessee under the protection of an army. My organization of the troops has had in view two columns with reference to that movement: a division to move from Lebanon, and a brigade to operate offensively or defensively according to circumstances on the Cumberland Gap route. * * * While my preparations have had this movement constantly in view I will confess to your excellency that I have been bound to it more by my sympathy for the people of East Tennessee and the anxiety with which you and the general-in-chief have desired it than by my opinion of its wisdom as an unconditional measure. As earnestly as I wish to accomplish it my judgment has from the first been decidedly against it if it should render at all doubtful the success of a movement against the great power of the rebellion in the West which is mainly arrayed on the line from Columbus to Bowling Green and can speedily be concentrated at any point of that line which is attacked singly.

D. C. BUELL.

EXECUTIVE MANSION, *Washington, January 6, 1862.*

Brigadier-General BUELL:

MY DEAR SIR: Your dispatch of yesterday has been received and it disappoints and distresses me. * * * My distress is that our friends in East Tennessee are being hanged and driven to despair and even now I fear are thinking of taking rebel arms for the sake of personal protection. In this we lose the most valuable stake we have in the South. My dispatch to which yours is an answer was sent with the knowledge of Senator Johnson and Representative Maynard of East Tennessee and they will be upon me to know the answer which I cannot safely show them. They would despair; possibly resign to go and save their families somehow or die with them.

I do not intend this to be an order in any sense but merely as intimated before to show you the grounds of my anxiety.

Yours, very truly,

A. LINCOLN.

CONFIDENTIAL.] WASHINGTON, *Monday, January 6, 1862.*

Brig. Gen. D. C. BUELL, *Louisville, Ky.*

MY DEAR GENERAL: * * * There are few things I have more at heart than the prompt movement of a strong column into Eastern Tennessee. The political consequences of the delay of this movement will be much more serious than you seem to anticipate. If relief is not soon afforded those people we shall lose them entirely and with them the power of inflicting the most severe blow upon the secession cause.

I was extremely sorry to learn from your telegram to the President that you had from the beginning attached little or no importance to a movement in East Tennessee. I had not so understood your views and it develops a radical difference between your views and my own which I deeply regret. * * * Interesting as Nashville may be to the Louisville interests it strikes me that its possession is of very secondary importance in comparison with the immense results that would

arise from the adherence to our cause of the masses in East Tennessee, West North Carolina, South Carolina, North Georgia and Alabama—results that I feel assured would ere long flow from the movement I allude to.

* * * * * * *

In haste, my dear general, very truly, yours,

GEO. B. McCLELLAN,
Major-General, Commanding.

LOUISVILLE, *January 13, 1862.*

Maj. Gen. GEORGE B. McCLELLAN,
Commanding U. S. Army.

MY DEAR FRIEND: I did not mean to be understood in my dispatch to the President as attaching little importance to the movement on East Tennessee; on the contrary it is evidently of the highest importance if thoroughly carried out. But I believe that if the other object were attained the same result would be accomplished quite as promptly and effectually. I have taken no step thus far that has not had that in view also. * * * The Tennessee arms are being unpacked and put in order and forwarded to Lebanon.

* * * * * * *

Truly, yours,

D. C. BUELL.

P. S.—The plan of any colonel whoever he is for ending the war by entering East Tennessee with his 5,000 men light—that is with pack-mules and three batteries of artillery, &c.—while the rest of the armies look on though it has some sensible patent ideas is in the aggregate simply ridiculous.

LOUISVILLE, KY., *February 1, 1862.*

Maj. Gen. GEORGE B. McCLELLAN,
Commanding U. S. Army.

MY DEAR GENERAL: * * * It is 200 miles or thereabouts from our depots (at the terminus of the railroad) to Knoxville or the nearest point on the Tennessee railroad. At the best supplies are meager along the whole route and if they suffice for a trip or two must by that time be entirely exhausted for any distance that we can reach along both sides of the road.

From Somerset to Jacksborough we will scarcely find any at all. East Tennessee is almost entirely stripped of wheat by the enemy. In the productive region there is still a small surplus of corn and wheat. We must supply two-thirds of the ration from our depots here and we must of course depend on them also for our ordnance and other stores. It will take 1,000 wagons constantly going to supply 10,000 men. * * * If the number of troops and consequently the amount of hauling is increased the difficulty is increased in a greater proportion. The limited amount of forage on the route will be speedily exhausted, as besides provisions for our men we must have forage for our animals, a thing that is not to be lightly thought of.

In my previous letter I set down three divisions (say 30,000 effective men) as the force that would be required for East Tennessee, two to penetrate the country and one to keep open communications. I believe that is the least force that will suffice and it ought to be able to establish itself promptly before it can be anticipated by a force of the enemy sufficient to make the result doubtful. With railroads converging from the east, west and south it ought not to be difficult for them to get a pretty formidable force in that country in ten days. * * *

For the reasons I have stated I have been forced reluctantly to the conviction that an advance into East Tennessee is impracticable at this time on any scale which will be sufficient. I have ordered General Carter's brigade to move on the Gap but I fear very much that even that will be compelled to fall back for supplies such is the condition of the roads over which they have to be hauled.

* * * * * * *

Truly, yours,

D. C. BUELL.

Arrest of Dr. William G. Brownlow for Treason, and his Subsequent Expulsion from the Confederate States.

FRIDAY, *November 22, 1861.*

General W. H. CARROLL:

Having understood that you are to be placed in command of Knoxville in a few days I desire to make a statement to you the truth of which I am willing to swear to before any tribunal.

I left home on the 4th of this instant to attend the chancery court at Maryville and to go to Sevierville to collect fees due me for advertising and I in part succeeded. I have only been in Blount and Sevier Counties. I have not been in any body of armed men or in any way connected with the arming of any man or getting up any force whatever. I left home and have remained away at the earnest and repeated solicitations of my family who insisted they would be more secure in my absence. Certain troops came daily on my portico and in front of my house; drew out and flourished side-arms and sometimes presented muskets threatening my life. I was told that they were under the command of an Alabama officer by the name of Wood and that he was prejudiced against me. I don't know how this is. As regards bridge-burning I never had an intimation of any such purpose from any quarter at any time and when I heard of the burning of the bridges on the Saturday night after it occurred I was utterly astonished. I condemn the act most unqualifiedly and regard it as an ill-timed measure calculated to bring no good to any one or any party but much harm to innocent men and to the public.

When I together with fifteen or twenty other men signed a communication to General Zollicoffer which was published in all the Tennessee papers pledging ourselves to advise peace and to oppose all attempts at rebellion and such outrages as bridge-burning I acted in good faith and I have kept that faith; and had a knowledge of any purpose to burn the bridges been communicated to me I should have felt bound in all honor and good conscience to have disclosed the fact to the chief officers of the roads; and if I were at liberty to bring out one issue of my paper I would state all these facts to the public more in detail and more nervous terms.

I am willing and ready at any time to stand a trial upon these or any other points before any civil tribunal but I protest against being turned over to an infuriated mob of armed men filled with prejudices by my bitterest enemies.

This communication will be handed you by my friend Col. [John] Williams who is favorably known to you.

I am, very respectfully, &c.,

W. G. BROWNLOW.

HEADQUARTERS,
Knoxville, November 26, 1861.

Hon. J. P. BENJAMIN, *Secretary of War:*

It is important that steam power should be secured for the purpose of driving the machinery necessary in the alteration of arms. I therefore took possession of the printing establishment of Brownlow. The steam-engine and building are suitable for our purposes and it was the only one that could be procured here. Brownlow has left and no certain information of his whereabouts can be obtained; it is however certain that he is aiding and abetting our enemies. I have assured his sons who profess to have sold the establishment to a Mr. Baxter that full indemnity for the use of the establishment would be paid by the Government. I have every assurance that the sale to Baxter was a false one and feel that Baxter is not reliable in his loyalty to our Government.

* * * * * * *

With high respect, your obedient servant,

WM. H. CARROLL,
Brigadier-General, Commanding.

HEADQUARTERS,
Knoxville, November 28, 1861.

Hon. J. P. BENJAMIN, *Secretary of War:*

I have received a note from Brownlow stating that he would come in if I would guarantee no personal violence. He has not been with any armed troops. Will send copy of his letter.

WM. H. CARROLL,
Brigadier-General, Commanding.

HEADQUARTERS,
Knoxville, November 28, 1861.

Reverend Doctor BROWNLOW.

SIR: It is my business here to afford protection to all citizens who are loyal to the Confederate States and I shall use all the force at my command to that end. You may be fully assured that you will meet with no personal violence by returning to your home and if you can establish what you say in your letter of the 22d instant you shall have every opportunity to do so before the civil tribunal if necessary provided you have committed no act that will make it necessary for the military law to take cognizance. I desire that every loyal citizen

regardless of former political opinions shall be fully protected in all his rights and privileges to accomplish which I shall bend all my energies and have no doubt I shall be successful.

WM. H. CARROLL,
Brigadier-General, Commanding.

EXCHANGE HOTEL,
Richmond, Va., November 30, 1861.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va., Present, &c.

MY DEAR SIR: The object of the interview which I sought on yesterday and which was so readily accorded to me by the President and yourself in reference to affairs in East Tennessee was to impress your minds with the importance of dealing justly and generously with the Union element of that section as the best means of securing their affections and loyalty to this Government. The causes which have induced such obstinate adhesion to the Federal Government on the part of so many were frankly stated in our conversation. Until they are made to feel that they will be recognized as citizens entitled to the same consideration and protection vouchsafed to those entertaining opposite views they will not yield a willing allegiance or active and efficient support to the Confederate Government. Whilst the Government therefore with a steady purpose inflicts just punishment on actual offenders by due course of law it is essential that the Union men should be made to feel that they in common with the adherents of this Government are the objects of solicitude on the part of this Government and that they will be protected against arrests for opinions merely and against lawless exactions and unauthorized impressment of their private property by the soldiery stationed among them. This can be most successfully done by placing the civil and military power of that department in the hands of discreet men with enlarged, liberal and just views who are capable of rising above the influence and demands of local combinations and cliques, with instructions to proceed at once and discharge such prisoners as are now held without sufficient cause (for in my opinion there are quite a number of this character) and to redress the wrongs of citizens whose property has been seized or improperly taken from them by the soldiery.

This policy will tend to repress violence and conciliate favor. By degrees their strong and deeply-seated hostility to this Government can be overcome. Followed by proper efforts they can be induced to volunteer for active service and so strongly committed and identified with the South as to render them useful and effective in achieving our independence and preventing the possibility of civil war in the event a Federal force should be able to force its way into East Tennessee.

If there is no good reason of public policy to the contrary I would be pleased to carry back a passport for Brownlow to leave the country as well as a copy of the instructions under which the military and civil authorities are required to act, because it is believed that if the spirit of the Government as manifested by its executive officer was better understood by the people of East Tennessee it would exert a salutary influence and remove some of the apprehensions which are now driving them to desperation and to violence.

It is my purpose to leave in the morning and with your permission I will call at 2 o'clock to learn your pleasure in the premises.

Respectfully, &c.,

JNO. BAXTER.

The undersigned being charged with having and reading a letter in Maryville during the 4th and 5th days of November past purporting to say that the railroad bridges were to be burned take this method of testifying to the public that there is not one word of truth in the entire statement; that we have neither seen, handled, read or heard read any letter on that subject from any quarter whatsoever. We further state upon our oaths that neither of us has received from or addressed or conveyed to any person in Kentucky or connected with the Federal army during the entire summer and fall any private letter touching the war or the troubles growing out of the war. We also testify upon our oaths that we had no knowledge whatsoever of any purpose or plot on the part of any persons or party to burn the bridges; had we been apprised of such a movement we should have protested against it as an outrage.

Subscribed and sworn to this 2d of December, 1861.

JAMES CUMMING.
W. G. BROWNLOW.
W. T. DOWELL.

Personally appeared before me, an acting justice of the peace in and for the county of Blount and State of Tennessee this 2d of December, 1861, James Cumming, W. G. Brownlow and W. T. Dowell and made oath in due form of law that the allegations set forth in the foregoing statement and subscribed by them are true.

SOLOMON FARMER,
Justice of the Peace for Blount County.

KNOXVILLE, *December 6, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

W. G. Brownlow arrested to-day for treason on a warrant issued by the Confederate States commissioner and drawn up by myself. Will write you the facts in full that prompted his arrest in a day or two. Hope you will postpone your decision until you hear them.

J. C. RAMSEY.

KNOXVILLE, TENN., *December 7, 1861.*

Hon. JEFFERSON DAVIS,
President Confederate States of America.

SIR: I heartily concur in what is said in the accompanying letter by Doctor Ramsey and Mr. Tibbs, the member-elect to the permanent Congress from the third district of Tennessee. In addition to what is therein stated I must be permitted to express my utter surprise at the fact that the Secretary of War should have ordered that Brownlow be permitted to leave East Tennessee and indentify himself more effectually with the forces of Lincoln in Kentucky. This surprise results more from the fact that but a day or two since I was in Richmond and had a full and frank conversation with Mr. Benjamin in reference to the state of affairs in East Tennessee and he did in no manner allude to the propriety of granting such a passport to Brownlow.

I have but recently been elected to the permanent Congress from this (second) Congressional district (as Mr. Tibbs has been from the third) and upon my return from Richmond I found the citizens and soldiers almost unanimously indignant at this order in Brownlow's behalf, and to my utter astonishment the report prevailed that I while at Richmond had secured such an order.

My competitor, Mr. Baxter, who received not 500 votes in the district was at Richmond while I was myself there and it may be that his counsels prevailed in the matter and the order for Brownlow's passport was induced by his arguments or persuasions. I certainly advised no such policy.

A word or two more: In one county of East Tennessee (Scott) the Stars and Stripes have been hoisted within a few days past. Our few friends there have been seized and taken into Kentucky by emissaries from the Lincoln camps and these emissaries were guided and directed by a man who was recently discharged at Nashville by Mr. Benjamin's order at the instance of Mr. Baxter and others whose co-operation he was influential enough to secure. Will we never be done with such policy?

Very respectfully, your obedient servant,

WM. G. SWAN.

[Inclosure.]

KNOXVILLE, TENN., *December 7, 1861.*

Hon. JEFFERSON DAVIS,
President Confederate States of America.

SIR: The Confederate civil authorities here had Mr. Brownlow arrested last evening under a charge of treason. He is now in jail. It is understood that parties in this place are taking or perhaps have already taken measures to apply for executive clemency in his behalf and turn him at large or transfer him under a military escort to the enemy's lines in Kentucky. To this course we enter our most respectful but decided protest and remonstrance.

During the whole summer and fall the civil and military power of your Government has arrested, tried, convicted and punished (in some cases capitally in others with more leniency) the poor and insignificant dupes of Brownlow's treasonable teachings and example. A carload of these ignorant tories was sent this morning to Tuscaloosa, Ala.; and now the proposition to release the prime mover and instigator of all this rebellion against the South and Tennessee and send him, an authorized emissary, to the headquarters of the enemy dignified with an escort of our Tennessee soldiery has startled this community, embracing in the number citizens and most of the army here. The feeling of indignation at the bare effort for his release is much intensified by the fact which as it may not be fully known at Richmond we take leave to bring to your attention, viz, that the prisoner shortly before the burning of our railroad bridges and other acts of incendiarism and disloyalty had left town and visited Blount and Sevier Counties, the residence of the malcontents who are known as the incendiaries, and the suspicion is widely entertained that he prompted and instigated that and other atrocities. This peregrination into the most disloyal and disaffected neighborhoods makes him the more familiar with the extent of the disaffection—their plans, purposes, &c.

A more dangerous and more capable emissary could not be found in the Southern Confederacy to stimulate invasion of Tennessee and advise and carry into effect every kind of mischief. His arrival in Kentucky and Lincolndom generally would be hailed as a greater achievement than the capture of Zollicoffer and his brave troops.

We do not deem it necessary to enlarge further on the subject but we earnestly advise against the proposed release and transportation to

Kentucky. Let the civil or military law take its course against the criminal leader in this atrocious rebellion as it has already done to his deluded and ignorant followers.

We have the honor to be, very respectfully, your obedient servants,

J. G. M. RAMSEY.
WM. H. TIBBS.

ATTORNEY-GENERAL'S OFFICE,
Knoxville, Tenn., December 7, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I telegraphed you last night that I had caused Brownlow to be arrested by a warrant issued from the C. S. commissioner and I feel confident when I inform you of the grounds of his arrest you will approve of my course. I had intended to have him arrested in November last at the regular term of the Confederate court at this place but in consequence of his absence and Judge Humphreys not being here to hold the court his arrest was postponed. Shortly before the burning of the bridges Brownlow's friends circulated a report that he was confined at home by a bleeding at the lungs. Notwithstanding this (the bridges being burned on Friday night, the 8th of November) he left home the Monday previous and has remained absent a month or more during the inclement season in the mountainous parts of the counties of Blount and Sevier among the most hostile population to the Southern Confederacy that we have in East Tennessee. Information reached me that on his way to the mountains he had made use of expressions that showed he had knowledge of the designs of the enemy to penetrate into East Tennessee and the time the attempt would be made and I was satisfied from his well-known character for years for obtaining information that he was not ignorant that the bridges would be burned. His newspaper* has been the great cause of rebellion in this section and most of those who have been arrested have been deluded by his gross distortion of facts and incited to take up arms by his inflammatory appeals to their passions and infamous libels upon the Confederate States. Under these circumstances it was the general sentiment of our people and particularly of the military that it would be great injustice to punish the ignorant men who had been deluded by one more cunning and hypocritical than themselves and suffer the master-spirit to escape with impunity. Our soldiers who have been guarding the mountain passes by night as well as by day and have endured the hardest service to detect and arrest ignorant men who were straggling over into Kentucky to assist the enemy, the dupes of his teachings, became discouraged and said they could see no use in such service when Brownlow who could do them more harm than a thousand men was suffered to pass over to the enemy to give them information and incite our enemies to invade our country. So great was their objection to this course that I understand some of the officers said it would be difficult in such a contingency to restrain their men from laying down their arms and returning home; and I also understand that there were none of the military who did not feel it would be degrading service to escort him to the Kentucky line.

But desiring not to trespass upon your valuable time longer than it is absolutely necessary I again repeat that it is the general desire of all friends to our cause in East Tennessee that his case should be investigated to ascertain if he did not possess knowledge of the bridge-

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* See p. 911 for articles upon which Brownlow's arrest was based.

burning and other designs of the enemy. Our most discreet and prudent men both civil and military familiar with the character of the man think it imprudent to send him into the enemy's country as he is capable of doing us more injury than Johnson and Maynard both combined. I regret that he was not arrested by the military and sent to Tuscaloosa where many will no doubt be sent not half so guilty as he is; and I urge you to that course now as being the very best thing under all the circumstances that could be done. His friends cannot complain of his being sent to a more Southern climate and it is a little singular that with the disease of which he is complaining he should desire to go North at this inclement season. Under all the circumstances I have thought it best for the country that he should be detained for trial or sent to Tuscaloosa. At least he should be detained until you should hear all the facts and circumstances of the case. He was permitted to come home without being arrested as I understand upon condition that he was to be answerable to the law for any offense he may have committed and previous to his being arrested the commissioner had leave to do so from Major-General Crittenden if he thought proper the general saying he would not interfere.

Again Brownlow was aware of President Davis' proclamation giving all that desired to leave the Confederate States forty days to do so. If he desired to go North he then had an opportunity to do so. He did not avail himself of the law but remains here after he has done all the injury he can do to our country and now asks that he be escorted to our enemies there to give such information to the North as he may desire and inflame the minds of the people more bitterly against us. If that privilege is granted to him will it not be a precedent for all others that may apply during the war? I fear that the moral effect of such a course will not only be bad in East Tennessee but may be deleterious in the whole Confederate States.

I have thought proper to present you my view of the case but will cheerfully conform to your own better judgment.

Yours, truly,

J. C. RAMSEY,
C. S. District Attorney for District of Tennessee.

WAR DEPARTMENT, C. S. A.,
Richmond, December 10, 1861.

J. C. RAMSEY, Esq.,
C. S. District Attorney, Knoxville, Tenn.

SIR: Your letter of 7th instant is received. I thank you for the information it contains and shall reserve your suggestions for proper consideration.

I should be obliged to you if you would give me an account of the circumstances of Brownlow's arrest, &c., at your earliest convenience.

I am, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, *December 13, 1861.*

HON. J. P. BENJAMIN, *Secretary of War.*

SIR: I arrived at Knoxville about the 1st day of December, assumed command and established my headquarters there. At that time Mr.

W. G. Brownlow was absent from Knoxville where he resides. Very soon some friend or friends of his approached me on the subject of his return to Knoxville and I had several interviews with the son of Mr. Brownlow who was interceding and acting for his father in the premises. During several days Mr. Brownlow's son was very importunate in calling upon me and making solicitations in behalf of his father of some sort or another. In the beginning the letter of Mr. Brownlow to General Carroll dated November 22 and received about the time of my arrival was handed to me and discussed between myself and the son of Mr. Brownlow. In this letter Mr. Brownlow stated that he was willing and ready at any time to stand a trial upon any points before any civil tribunal but sought protection from troops and armed men on a return to Knoxville, denying at the same time having had any connection with arming men or with armed bodies of men or with bridge-burners or bridge-burning. General Carroll also handed to me his reply to this letter.

In the several interviews between the son of Mr. Brownlow and one or more of his friends and myself Mr. Brownlow's innocence of any treasonable conduct was vouched as the basis of any disposition to be made toward him and I stated to Mr. Brownlow's son who was acting for his father that if he came to Knoxville he must submit to the civil authorities.

Finally about the 4th or 5th of December I think Mr. Baxter, a friend of Mr. Brownlow, together with his son called upon me and Mr. Baxter delivered to me an open letter from yourself brought by him dated November 20 and referring to Mr. Brownlow's departure beyond our lines. Thereupon and on the solicitations made to me in behalf of Mr. Brownlow I directed my assistant adjutant-general to inform Mr. Brownlow in writing that if he would come to Knoxville within a given time I would give him a passport and send him with an escort beyond our lines. I designed this escort to convey him directly through our lines so that he could see nothing of our forces and fortifications. At the given time Mr. Brownlow came and I made arrangements with him as to the time and manner of his departure which were satisfactory to him. I designed sending him off the next day but he desired to stay over a day and on that day before his departure was arrested with a warrant by the civil authorities on a charge of treason.

Mr. Brownlow addressed a note to me stating his arrest and that he had come home upon my invitation and claimed to be under my protection. As I had stated explicitly to Mr. Brownlow's son who acted for his father and who went after and did conduct his father into town that if he came he must submit to the civil authorities and as his innocence of any treasonable conduct was considered in the arrangements for him I directed one of my aides to reply to his note to the effect that in view of all the facts I could not interfere with the civil authorities so as to protect him from an investigation by them of charges made in their tribunals against him which I clearly understood from himself and his friends he would not seek to avoid.

Of course if the civil authorities release Mr. Brownlow I shall proceed at once to give him a passport and send him with an escort beyond our lines.

I remain, very respectfully, yours, &c.,

G. B. CRITTENDEN,
Major-General, C. S. Army.

KNOXVILLE JAIL, *December 16, 1861.*

Hon. J. P. BENJAMIN:

You authorized General Crittenden to give me passports and an escort to send me into the old Government and he invited me here for that purpose; but a third-rate county-court lawyer acting as your Confederate attorney took me out of his hands and cast me into this prison. I am anxious to learn which is your highest authority—the Secretary of War, a major-general or a dirty little drunken attorney such as J. C. Ramsey is?

You are reported to have said to a gentleman in Richmond that I am a bad man dangerous to the Confederacy and that you desire me out of it. Just give me my passports and I will do for your Confederacy more than the devil has ever done—I will quit the country.

I am, &c.,

W. G. BROWNLOW.

ATTORNEY-GENERAL'S OFFICE,
Knoxville, Tenn., December 17, 1861.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond Va.

SIR: I received your letter dated the 10th and would have answered it sooner but have been waiting until I received a statement from Colonel Toole which came to hand to-day which I inclose to you. Colonel Toole is a gentleman of high standing and his statement can be fully relied upon. It will be seen from his note to me that the conversation was had with Brownlow on the first Monday of November and that was before the bridges were burned. It also shows that he must have had some knowledge of the intention of the enemy to invade Tennessee. I also send you a copy of his paper of May 21 [25], with the article marked. You will see from reading it that if certain things are done he advises that the railroads should be destroyed. I think he was the first man in East Tennessee that made the suggestion in regard to the destruction of the railroads. I also send you the last paper he issued with the article marked. You will see from his editorial that he retracts nothing he has said but indorses all that he heretofore had written. I also inclose you the Republican Banner marked containing a letter written after he stopped the publication of his paper. You will see from this letter that he has gone to Blount, Sevier, Cocke and Granger Counties for the purpose of collecting accounts when in point of fact he only went into Blount and Sevier and there remained with the most disloyal citizens until after the bridges were burned and did not return until the rebellion was to a great extent crushed out. So far as I have been able to learn his arrest has been approved of by the public and in my opinion it has had a good effect. As an index to public sentiment I send you the Knoxville Register* containing extracts from other papers about his arrest. I still think (as I stated to you in my last letter) that it would be proper that he should be sent to Tuscaloosa but will cheerfully dispose of the case according to your own better judgment. You will please return the newspapers when you are done with them.

Yours, truly,

J. C. RAMSEY,
C. S. District Attorney.

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* See p. 924 for extracts from this paper.

[Inclosure No. 1.]

MARYVILLE, *December 17, 1861.*

General J. C. RAMSEY.

DEAR SIR: At your request I state that in conversation with William G. Brownlow on the first Monday of November at the ford of Little River in Blount County I asked him for the news at Knoxville. He remarked that his son John had just returned from Nashville and that the Federals had entire possession of Missouri; that Jeff. Thompson was in Memphis; that they (the Federals) would soon have possession of Nashville and Clarksville, and Knoxville would be destroyed. The above is the purport and as well as I now recollect the language used.

Your friend,

JAS. M. TOOLE.

[Inclosure No. 2.]

MURDER WILL OUT.

[From the Knoxville Whig, May 25, 1861.]

A secret of some importance has been cautiously communicated to this city from Alabama by a man not likely to be deceived. The same facts in substance have been intrusted to a most estimable individual here under the solemn injunction of secrecy for a specified time. There are now three other gentlemen besides ourselves and they are men of high positions who know the facts and have the evidence of them. This stupendous and appalling conspiracy amounts to this:

Johnson, Nelson, Baxter, Temple, Trigg, Maynard, Brownlow and George W. Bridges are to be arrested after the election in June by a military force and taken in irons to Montgomery and either punished for treason or held as hostages to guarantee the quiet surrender of the Union men of East Tennessee.

The facts of this conspiracy against the rights of American citizens together with the names of those concerned in urging it on, all, will be left in the hands of reliable, bold and fearless men who will make them public at the proper time. The thousands of Union men of East Tennessee devoted to principle and to the rights and liberties of those who fall at the hands of these conspirators will be expected to avenge their wrongs. Let the railroad on which Union citizens of East Tennessee are conveyed to Montgomery in irons be eternally and hopelessly destroyed. Let the property of the men concerned be consumed and let their lives pay the forfeit and the names will be given. Let the fires of patriotic vengeance be built upon the Union altars of the whole land and let them go out where these conspirators live like the fires from the Lord that consumed Nadab and Abihu, the two sons of Aaron, for presumption less sacrilegious. If we are incarcerated at Montgomery or executed there or even elsewhere all the consolation we want is to know that our partisan friends have visited upon our persecutors, certain secession leaders, a most horrible vengeance. Let it be done, East Tennesseeans, though the gates of hell be forced and the heavens be made to fall.

In disclosing this bold and deep-laid plot against the liberties of freemen we have not intended a sensation article. Some may smile at its alleged senseless absurdity but we are not alone in putting forth these facts. We most solemly implore our friends throughout East

Tennessee as they regard our welfare and as they cherish principles for which we are alike battling not to molest any person or property in advance of an attack upon any of us but to hold themselves in readiness for action, action, action. As yet the conspiracy is only partially revealed, the murder partly out; the mask will be taken off in due time. We are not in possession of the names of any confederates and abettors outside of the limits of East Tennessee though some have been closeted with East Tennesseeans and the details of their plans agreed upon. Again in the name of everything sacred we ask for ourselves and those threatened with us that no move shall be made by our friends toward injuring the person or propery of any living man or existing corporation until further developments are made; and then let every brave man act and let all act together. Thanks be to God for the vigilance of some true men and for their promptness in making communications. A Union man of high character who will disguise himself and travel hundreds of miles at his own expense to serve true men to him personally unknown deserves to be immortalized and to live forever.

[Inclosure No. 3.]

[From the Knoxville Whig, October 26, 1861.]

This issue of the Whig must necessarily be the last for some time to come; I am unable to say how long. The Confederate authorities have determined upon my arrest and I am to be indicted before the grand jury of the Confederate court which commenced its session in Nashville on Monday last. I would have awaited the indictment and arrest before announcing the remarkable event to the world but as I only publish a weekly paper my hurried removal to Nashville would deprive me of the privilege of saying to my subscribers what is alike due to myself and them. I have the fact of my indictment and consequent arrest having been agreed upon for this week from distinguished citizens, legislators and lawyers at Nashville of both parties. Gentlemen of high positions and members of the secession party say that the indictment will be made because of "some treasonable articles in late numbers of the Whig." I have produced these two "treasonable articles" on the first page of this issue that the unbiased people of the country may "read, mark, learn and inwardly digest" the treason. They relate to the culpable remissness of these Knoxville leaders in failing to volunteer in the cause of the Confederacy.

According to the usages of the court as heretofore established I presume I could go free by taking the oath these authorities are administering to other Union men; but my settled purpose is not to do any such thing. I can doubtless be allowed my personal liberty by entering into bonds to keep the peace and to demean myself toward the leaders of secession in Knoxville who have been seeking to have me assassinated all summer and fall as they desire me to do; for this is really the import of the thing and one of the leading objects sought to be attained. Although I could give a bond for my good behavior for $100,000 signed by fifty as good men as the country affords I shall obstinately refuse to do even that; and if such a bond be drawn up and signed by others I will render it null and void by refusing to sign it. In default of both I expect to go to jail and I am ready to start upon one moment's warning. Not only so but there I am prepared to lie in solitary confinement until I waste away because of imprisonment or die

from old age. Stimulated by a consciousness of innocent uprightness I will submit to imprisonment for life or die at the end of a rope before I will make any humiliating concession to any power on earth.

I have committed no offense. I have not shouldered arms against the Confederate Government or the State or encouraged others to do so. I have discouraged rebellion publicly and privately. I have not assumed a hostile attitude toward the civil or military authorities of this new government. But I have committed grave and I really fear unpardonable offenses. I have refused to make war upon the Government of the United States; I have refused to publish to the world false and exaggerated accounts of the several engagements had between the contending armies; I have refused to write out and publish false versions of the origin of this war and of the breaking up of the best government the world ever knew; and all this I will continue to do if it cost me my life; nay, when I agree to do such things may a righteous God palsy my right arm and may the earth open and close in upon me forever.

The real object of my arrest and contemplated imprisonment is to dry up, break down, silence and destroy the last and only Union paper left in the eleven seceded States and thereby to keep from the people of East Tennessee the facts which are daily transpiring in the country. After the Hon. Jeff. Davis had stated in Richmond in a conversation relative to my paper that he would not live in a government that did not tolerate freedom of the press—after the judges, attorneys, jurors and all others filling positions of honor or trust under the "permanent Constitution" which guarantees freedom of the press—and after the entire press of the South had come down in thunder tones upon the Federal Government for suppressing the Louisville Courier and the New York Day-Book and other secession journals—I did expect the utmost liberty to be allowed to one small sheet whose errors could be combated by the entire Southern press. It is not enough that my paper has been denied a circulation through the ordinary channels of conveyance in the country but it must be discontinued altogether or its editor must write and select only such articles as meet the approval of a pack of scoundrels in Knoxville when their superiors in all the qualities that adorn human nature are in the penitentiary of our State. And this is the boasted liberty of the press in the Southern Confederacy.

I shall in no degree feel humbled by being cast into prison whenever it is the will and pleasure of this august Government to put me there; but on the contrary I shall feel proud of my confinement. I shall go to jail as John Rogers went to the stake—for my principles. I shall go because I have failed to recognize the hand of God in the work of breaking up the American Government and the inauguration of the most wicked, cruel, unnatural and uncalled-for war ever recorded in history. I go because I have refused to laud to the skies the acts of tyranny, usurpation and oppression inflicted upon the people of East Tennessee for their devotion to the Constitution and laws of the Government handed down to them by their fathers and the liberties secured to them by a war of seven long years of gloom, poverty and trial. I repeat I am proud of my position and of my principles and shall leave them to my children as a legacy far more valuable than a princely fortune had I the latter to bestow.

With me life has lost some of its energy; having passed six annual posts on the western slope of half a century something of the fire of youth is exhausted; but I stand forth with the eloquence and energy of right to sustain and stimulate me in the maintenance of my princi-

ples. I am encouraged to firmness when I look back to the fate of Him "whose power was righteousness" while the infuriated mob cried out, "Crucify him! Crucify him!"

I owe to my numerous list of subscribers the filling out of their respective terms for which they have made advance payments and if circumstances ever place it in my power to discharge these obligations I will do it most certainly. But if I am denied the liberty of doing so they must regard their small losses as so many contributions to the cause in which I have fallen. I feel that I can with confidence rely upon the magnanimity and forbearance of my patrons under this state of things. They will bear me witness that I have held out as long as I am allowed to and that I have yielded to a military despotism that I could not avert the horrors of or successfully oppose.

I will say in conclusion for I am not allowed the privilege to write that the people of this country have been unaccustomed to such wrongs; they can yet scarcely realize them. They are astounded for the time being with the quick succession of outrages that have come upon them and they stand horror-stricken like men expecting ruin and annihilation. I may not live to see the day but thousands of my readers will when the people of this once prosperous country will see that they are marching by "double-quick time" from freedom to bondage. They will then look these wanton outrages upon right and liberty full in the face and my prediction is that they will "stir the stones of Rome to rise and mutiny." Wrongs less wanton and outrageous precipitated the French revolution. Citizens cast into dungeons without charges of crime against them and without the formalities of a trial by jury; private property confiscated at the beck of those in power; the press humbled, muzzled and suppressed or prostituted to serve the ends of tyranny. The crimes of Louis XVI. fell short of all this and yet he lost his head. The people of this country down-trodden and oppressed still have the resolution of their illustrious forefathers, who asserted their rights at Lexington and Bunker Hill.

Exchanging with proud satisfaction the editorial chair and the sweet endearments of home for a cell in the prison or the lot of an exile,

I have the honor to be, &c.,

WILLIAM G. BROWNLOW,
Editor of the Knoxville Whig.

ATTORNEY-GENERAL'S OFFICE,
Knoxville, Tenn., December 19, 1861.

Hon. J. P. BENJAMIN,
Secretary of War, Richmond, Va.

SIR: Since I last wrote you I have received a letter from J. G. Wallace, esq., of Blount County, in regard to Brownlow's recent trip. I consider the letter of importance and have thought it proper to send it to you. Mr. Wallace is a gentleman of high standing and his statements can be fully relied upon.

Yours, truly,

J. C. RAMSEY,
C. S. District Attorney.

[Inclosure.]

MARYVILLE, *December 18, 1861.*

General J. C. RAMSEY.

DEAR SIR: I take occasion now to answer the inquiries contained in your letter of the 14th instant.

After Brownlow came to this county we availed ourselves of every opportunity to find out about his saying and doings but he so covered over his trail that we have been able to ascertain but little concerning him. On the first Monday of November, the Monday immediately preceding the bridge-burning, some 300 to 500 persons were in town most all of whom were Union men. It was the day of our quorum county court at which not more than a score or two of persons usually attend. We did not understand the occasion of so many persons and especially Union men assembling, and at first supposed they had mistaken the day Baxter was to speak and had come to hear him. Upon making inquiry we found that that was not the case; that they knew he was to speak the next day; and furthermore we learned for the first time that they were not going to vote for Baxter; but still we could not ascertain on what business or for what purpose they had all come to town.

About 11 o'clock Brownlow and old Parson [James] Cumming came in and put up at Rev. Mr. [W. T.] Dowell's. Immediately after their arrival there was a general going to see them at Dowell's by the Unionites. Caucuses and private conferences were the order of that day and night. We could learn nothing that Brownlow was saying. His companion (Cumming), however, in the course of the day told a friend of his, a Union man and a brother in the church, that the Federal Army would be at Knoxville the last of that week; that Brownlow had left Knoxville until its arrival, and that as soon as the army reached there he was going back and resume the publication of his paper. He assured his friend that this might be relied on; that he had received it from a reliable source and there was no doubt of it. Whatever might have been the occasion of the assemblage we discovered very clearly that there was something going on that pleased the Union men exceedingly. They seemed in very good spirits and more confident and defiant than they had been for months.

The next morning the news was brought to town—at least we Southern men heard it then for the first time—that the Federal Army was at Jamestown 12,000 strong and coming on to Knoxville. About 10 o'clock that morning Brownlow and Cumming and a man by the name of Mainis left town for the mountains. They went that night to Snider's in Tuckaleeche Cove. The next day they went into Weir's Cove in Sevier County. There they parted, Brownlow remaining in the cove and Cumming and Mainis going over toward Waldron's Creek. On that day Mainis told a man by the name of Waters substantially the same thing Cumming had told Jennings. I have no doubt they told the same thing to many others but we have tried them long enough in similar cases to know that the Union men will give no evidence against each other and especially against their leaders.

On the Monday morning after the bridges were burned the news was circulated in our town. Shortly thereafter Dowell at whose house Brownlow had staid left for the coves, and the next day or the day after Mainis who in the meantime had returned left also. He afterwards sent back after his family and has never returned. One remark-

able fact and coincidence is that very many of those who were in town the day Brownlow was here were engaged in the raid to Sevier County on Monday and Tuesday after the burning of the bridges.

Another circumstance I will mention. On the Monday morning the news was circulating in town of the bridges being burned a Mr. Sesler, a respectable citizen of the place, was telling the news in his family. A servant girl, a white woman living in his family, instantly remarked, "La me! Phœbe Smith told me at the spring last Wednesday that the bridges were to be burned Friday night but I didn't believe it." Upon inquiry of Mr. Sesler she related the following facts: She was at the spring on the Wednesday before the bridges were burned. There she met Phœbe Smith, a white servant girl living in Mr. Dowell's family. Phœbe remarked, "They were all going to the mountain shortly." "What for?" "The Northern Army is coming." "How do you know?" "Mr. Brownlow and Mr. Cumming and some other gentlemen were at our house the other day and Mr. Dowell had some papers in his hand and asked me to go out of the room. I went out and they locked the door. I went back and put my ear to the key-hole and heard Mr. Dowell reading something about the Federal Army coming and about the bridges going to be burned Friday night."

Mr. Sesler came back up in town and very foolishly made these facts public. In a short time Dowell came down the street and gave notice that the girl Phœbe Smith denied having made any such statement and in an hour or two Dowell left town as before stated. The girl Phœbe has since been seen and talked to on the subject. She continues to deny the truth of the statement of the girl at Sesler's, the latter however still asserting most positively that they did have such a conversation. The characters of the two girls are equally good. They are both obscure, and nothing much ever having been known or said about either neither one of them I presume could be impeached. Whether there is truth in the statement it is not necessary for me to express an opinion. It is very difficult to imagine how an ignorant servant girl could instantly manufacture such a tale and make as it were a spontaneous expression of it upon hearing the news Sesler was telling while we might imagine how the other girl could be procured or induced to make a denial of it. I believe that the sentiment of our community is that the girl at Sesler's tells the facts as they occurred. The matter is in just such a fix that no legal evidence can be made of it as I doubt not but that Dowell's girl will deny it upon oath.

This is about all the information I can give you on the subjects of your inquiries. We have tried to get facts out of the Union men but they will not divulge and I do not believe they would tell anything prejudicial to Brownlow on oath. They seem to understand the object of all inquiries addressed to them and they also seem determined to screen their leaders.

Very respectfully,

JESSE G. WALLACE.

WAR DEPARTMENT, C. S. A.,
Richmond, December 22, 1861.

J. C. RAMSEY, Esq.,
C. S. District Attorney, Knoxville.

SIR: Your letters of the 17th and 19th instant have been received. In relation to Brownlow's case the facts are simply these: Brownlow

being concealed somewhere in the mountains made application to General Crittenden for protection against what he called a military mob or military tribunal if he came to Knoxville, professing his willingness to undergo a civil trial, *i. e.* a trial before the civil court as distinguished from court-martial, and as I understand General Crittenden promised to protect him from any trial before a military tribunal.

In the meantime Mr. Baxter came here and represented that Brownlow who was entirely beyond our power and so concealed that no one could get possession of his person was willing to leave the country and go into exile to avoid any further trouble in East Tennessee, and proffered that Brownlow would come in and give himself up to be conveyed out of East Tennessee if the Government would agree to let him do so and to protect him in his exit. If Brownlow had been in our hands we might not have accepted the proposition but deeming it better to have him as an open enemy on the other side of the line than a secret enemy within the lines authority was given to General Crittenden to assure him of protection across the border if he came in to Knoxville.

It was not in our power nor that of any one else to prevent his being taken by process of law and I confess it did not occur to me that any attempt would be made to take him out of the hands of the military authorities. This has been done however, and it is only regretted in one point of view—that is color is given to the suspicion that Brownlow has been entrapped and has given himself up under promise of protection which has not been firmly kept. General Crittenden feels sensitive on this point and I share his feelings. Better that even the most dangerous enemy however criminal should escape than that the honor and good faith of the Government should be impugned or even suspected. General Crittenden gave his word only that Brownlow should not be tried by the court-martial and I gave authority to promise him protection if he would surrender to be conveyed across the border. We have both kept our words as far as was in our power but every one must see that Brownlow would now be safe and at large if he had not supposed that his reliance on the promises made him would insure his safe departure from East Tennessee.

Under all the circumstances therefore if Brownlow is exposed to harm from his arrest I shall deem the honor of the Government so far compromised as to consider it my duty to urge on the President a pardon for any offense of which he may be found guilty and I repeat the expression of my regret that he was prosecuted however evident may be his guilt.

J. P. BENJAMIN,
Secretary of War.

KNOXVILLE, *December 27, 1861.*

Hon. J. P. BENJAMIN:

Ramsey entered a nolle prosequi in Brownlow's case. I hold him in custody by advice of Colonel Leadbetter to be sent beyond our lines or otherwise as you may instruct.

G. H. MONSARRAT,
Captain Artillery, Commanding Post.

Approved.

D. LEADBETTER,
Colonel, Provisional Army, C. S.

KNOXVILLE, TENN., *December 28, 1861.*

Hon. J. P. BENJAMIN, *Richmond, Va.*

DEAR SIR: Your letter of the 22d instant addressed to J. C. Ramsey, esq., C. S. district attorney, in relation to Brownlow's case which appears in the Knoxville Register of this morning may make an erroneous impression on the public mind as to the part which I took in procuring a passport for him. The careless reader may suppose that the Government intended to arrest him and abandoned the purpose and consented to his leaving the Confederate States on the ground of my representation that he was so concealed as to be entirely beyond its power. So far as I know or believed no officer of the Government at Richmond contemplated his arrest. The application for him to leave was promptly assented to by you and in answer to an objection by President Davis that it appeared to be discriminating in favor of Brownlow conferring upon him a privilege not accorded to others, &c., you replied that you were willing for all to go that wanted to and you spoke of making a proclamation to this effect, showing conclusively that you were not controlled in your action upon this matter by the belief that Brownlow was beyond your power.

These impressions which may be made from a casual reading of your letter—though I presume it was not so intended—are calculated to do me injustice and I would beg you to set me right in reference to these particulars. I acted in good faith to the Government and to everybody concerned and I am willing to take upon myself all the responsibility which properly attaches to my acts or declarations. Your decision in the premises I consider wise, just and magnanimous and it is capable of a full and complete vindication. The results which will follow his departure from East Tennessee will be ample for this purpose; but I am unwilling to be placed before the country in the attitude of having induced the Government to abandon any intention of arresting Brownlow by representing that he was concealed and entirely beyond its power. Such was probably not the fact. What I stated was substantially this:

> That from fear of personal violence Brownlow had left home; was supposed to be concealed in the mountains of Sevier or Blount; that I had not seen him; had no authority from him to act for him but that his wife had informed me that he desired to quit the Confederate States and that she desired me to procure a passport for him if one could be obtained.

Upon this statement your letter to General Crittenden was prepared. It was not imperative. The question was referred to General Crittenden to decide whether he should go or not. He was here on the ground; knew all the facts; was cognizant of the views and wishes of the Government; had the means of determining whether Brownlow was beyond the reach of the Government or not, and this question he decided for himself uninfluenced by any suggestion of mine whatever.

You will pardon me I hope for adding that there is no necessity for the Government to apologize for this official act. It disappointed some persons who thirsted for his blood and who had cherished the hope that he would fall a victim to this revolution and they excited some feeling among the soldiery here. But the more enlightened, liberal and brave Southern men among us take a different view. When the revolution is over you will have no occasion to regret the course which you have pursued in reference to Brownlow's case.

Respectfully, yours,

JNO. BAXTER.

HEADQUARTERS,
Knoxville, December 29, 1861.

J. C. RAMSEY, *C. S. District Attorney.*

SIR: In answer to your note of the 28th I state that though not aware of Doctor Brownlow's place of concealment his letter dated November 22 (inclosed a copy and my reply*) induced me to believe that he was not very distant from this city and could have been arrested. You will also see by his letter that he seemed only to dread violence but was entirely willing to be tried before the civil tribunals for any offense of which he might be charged.

Respectfully,

WM. H. CARROLL,
Brigadier-General.

HEADQUARTERS,
Knoxville, December 29, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: In accordance with your letter of instructions Mr. Ramsey, the district attorney, entered a nolle prosequi in Brownlow's case. As commander of this post in order that your future instructions might be complied with I caused Brownlow to be remanded to prison. This measure was necessary even for his own safety and in order that the public peace might not be violated. I infer from your letter to the district attorney that Brownlow is entitled to a safe-conduct beyond our lines and with reference to this I await your further instructions.

I have just been appointed commandant of this post and have already discovered numberless abuses that should be corrected. Marauding bands of armed men go through the country representing themselves to be the authorized agents of the State or Confederate Government; they impress into service horses and men; they plunder the helpless and especially the quondam supporters of Johnson, Maynard and Brownlow; they force men to enlist by the representation that otherwise they will be incarcerated at Tuscaloosa; they force the people to feed and care for themselves and horses without compensation. I would gladly have instructions as to the mode of correcting these abuses and the character of punishment to be inflicted upon those guilty of such offenses.

Very respectfully, your obedient servant,

G. H. MONSARRAT,
Captain, Artillery, Commanding Post.

[Without date. Entered "Received January 2, 1862."]

Hon. JEFFERSON DAVIS,
President of the Confederate States of America:

The undersigned begs leave to lay before your excellency the following statement and accompanying documents:

He had for reasons that need not here be stated opposed the secession of Tennessee and was while the question was pending and undecided before the people of the State a zealous advocate of the Union; but after the ordinance of secession had been confirmed by the vote

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*See Brownlow to Carroll and Carroll's answer, pp. 902 and 903.

of the citizens of the State and the permanent constitution of the Confederate States had in like manner been adopted the undersigned with others who had become prominent by reason of their opposition to those measures voluntarily addressed a communication to Brigadier-General Zollicoffer in which they pledged themselves to use whatever influence they might possess to promote the peace of East Tennessee and obedience to the constituted authorities, State and Confederate, on the part of her people. That pledge was made with a sincere determination so far as the undersigned was concerned to fulfill it according to its letter and spirit, and he has done so. And while General Zollicoffer remained at Knoxville with his command the undersigned and all other law-abiding citizens were protected; but after his departure he soon became convinced that the undersigned and his family were in danger of violence from the soldiers stationed at that place under the command of Col. William B. Wood. Certain of those soldiers were in the daily habit of coming to the residence of the undersigned, flourishing their knives, pointing their muskets at the windows and uttering threats to take his life. The undersigned firmly believes that the soldiers were incited to act in that manner by his bitter personal enemies who sought to make the military the instrument of their private revenge. However this may be he and his family believed that his life was in danger and that his presence at home imperiled instead of securing the safety of his wife and children. He therefore yielded to the entreaties of his friends to leave home for a time and he consented to do so the more readily as he had business in adjoining counties which needed his attention. He accordingly left his home and during his absence heard of the late burning of the bridges on the railroads in East Tennessee and also heard about the same time that he was charged with complicity in that crime and outrage. The undersigned knew that the most intense excitement prevailed in the country; that the passions of the citizens and soldiery were fully aroused; and his knowledge of the history of mankind in the past taught him that in such seasons of high excitement the innocent and the guilty would suffer together. Prudence therefore dictated that he should for a time—until the passions of men should have time to cool and reason to reassume her sway—conceal himself that no occasion should occur for violence to his person.

The undersigned asserts his entire innocence of the several charges which have been invented by his enemies. He has not since the date of the letter to General Zollicoffer before referred to done aught inconsistent with the pledge it contains. He has not furnished guns to men in arms against the Confederate States as has been untruly charged by some of the newspapers in the country. He had no knowledge of the project to burn the bridges whatever and here declares that had such a design been communicated to him he would at once have given information of it to the proper parties. In a word he has done nothing which malice itself could strain into a crime against the laws of Tennessee or of the Confederate States. Nevertheless he did for the reason before stated secrete himself where he believes he was perfectly secure from discovery. While he was thus safely concealed he was informed that John Baxter, esq., who was on a visit to the city of Richmond applied to the War Department for permission to the undersigned to leave the territory of the Confederate States.

He is informed further that after an interview with your excellency and the Secretary of War a letter was written by the latter to Maj. Gen. George B. Crittenden a correct copy of which is submitted here-

with marked A, and thereupon General Crittenden directed a letter to be sent to the undersigned a correct copy of which marked B accompanies this statement. The undersigned relying upon the promise of a passport into Kentucky and the protection of a military escort which it contains and trusting to the good faith of your excellency, the Secretary of War and General Crittenden immediately upon its reception left his place of concealment, returned to Knoxville and within the time appointed called at headquarters and obtained a renewal of the promise of the passport and escort. This occurred on the afternoon of the 5th instant. The morning of the 7th was fixed upon for the departure of the undersigned from Knoxville. Before that time arrived he was arrested upon a warrant for treason issued by R. B. Reynolds, commissioner, &c., a correct copy of which marked C is herewith submitted, and bail and an examination having been refused was confined in the common jail of the county.

The undersigned has been always opposed in politics to your excellency; has resisted with his whole strength the revolution which your excellency is now conducting; but at no time has political prejudice or party feeling caused him to believe that you will sanction what he is compelled to denounce as a gross breach of faith. He has not permitted himself to believe that you would direct the military authorities to make a promise and after that promise had been accepted and acted upon would permit another set of authorities to violate it. He appeals to you as the executive of a Government representing twelve millions of people to protect the honor of that Government against so foul a stain. This application is the last resource left to the undersigned. Immediately after his arrest he addressed the note marked D to General Crittenden and received in reply the note marked E.

It is unnecessary to add that the warrant issued by the commissioner contains no charge of treason. The publication of a newspaper however objectionable its matter might be cannot amount to treason. The undersigned has therefore no reason to fear the result of a judicial investigation of his conduct; but bail though offered for any amount has been refused him. He has been subjected to close confinement in an uncomfortable jail while in weak health and in fact suffering from hemorrhage of the lungs. Until very recently he has intended to continue a citizen of the Confederate States but the events of the last three weeks have convinced him that the laws can afford no protection to himself or family. He now desires to withdraw himself and family from the jurisdiction of those States. He makes this application not as a petitioner for any grace or favor but as a demand of right and with full confidence that the public faith will in the premises be observed.

Respectfully, &c.,

W. G. BROWNLOW.

[Inclosure A.]

WAR DEPARTMENT, C. S. A.,
Richmond, November 20, 1861.

Major-General CRITTENDEN, *Cumberland Gap.*

DEAR SIR: I have been asked to grant a passport for Mr. Brownlow to leave the State of Tennessee. He is said to have secreted himself fearing violence to his person and to be anxious to depart from the State. I cannot give him a formal passport though I would greatly prefer seeing him on the other side of our lines as an avowed enemy.

I wish however to say that I would be glad to learn that he has left Tennessee and have no objection to interpose to his leaving if you are willing to let him pass.

Yours, truly,

J. P. BENJAMIN,
Secretary of War.

[Inclosure B.]

HEADQUARTERS,
Knoxville, Tenn., December 4, 1861.

W. G. BROWNLOW, Esq.

SIR: The major-general commanding directs me to say that upon calling at his headquarters within twenty-four hours you can get a passport to go into Kentucky accompanied by a military escort, the route to be designated by General Crittenden.

I am, sir, very respectfully, your obedient servant,

A. S. CUNNINGHAM,
Assistant Adjutant-General.

[Inclosure C.]

DECEMBER 6, 1861.

CONFEDERATE STATES OF AMERICA,
District of Tennessee.

TO THE MARSHAL OF SAID DISTRICT:

J. C. Ramsey, C. S. district attorney for said district, having made oath before me that he is informed and believes that William G. Brownlow, a citizen of said district and owing allegiance and fidelity to the Confederate States but being moved and seduced by the instigation of the devil and not having the fear of God before his eyes, did wilfully, knowingly and with malice aforethought and feloniously commit the crime of treason against the Confederate States by then and there within said district and since the 8th day of June last publishing a weekly and tri-weekly paper known as Brownlow's Knoxville Whig; said paper had a large circulation in said district and also circulated in the United States and contained weekly divers of editorials written by the said Brownlow which said editorials were treasonable against the Confederate States of America, and did then and there commit treason and prompt others to commit treason; by speech as well as publication did as aforesaid commit treason and did give aid and comfort to the United States, both of said Governments being in a state of war with each other. You are therefore commanded to arrest the said Brownlow and bring him before me to be dealt with as the law directs.

R. B. REYNOLDS,
Commissioner, &c.

[Inclosure D.]

KNOXVILLE, *December 6, 1861.*

Major-General CRITTENDEN:

I am now under an arrest upon a warrant signed by Messrs. Reynolds and Ramsey upon a charge of treason founded upon sundry articles published in the Knoxville Whig since June last. I am here upon your invitation and promise of passports; and claiming your protection as I do I shall await your early response.

Very respectfully,

W. G. BROWNLOW.

[Inclosure E.]

KNOXVILLE, *December 7, 1861.*

W. G. BROWNLOW.

SIR: Your note stating that you were under an arrest upon a war rant upon a charge of treason, &c., has been handed to General Crittenden. He desires me to say in reply that in view of all the facts of the case (which need not be recapitulated here for you are familiar with them) he does not consider that you are here upon his invitation in such manner as to claim his protection from an investigation by the civil authorities of the charges against you which he clearly understood from yourself and your friends you would not seek to avoid.

Respectfully, yours, &c.,

HARRY I. THORNTON,
Aide-de-Camp.

Resolved by the General Assembly of the State of Tennessee, That the conduct and treasonable movements of Andrew Johnson, Horace Maynard, Emerson Etheridge and such others of our public men as have expatriated themselves from our State are regarded as alien enemies of our people and the infamy and turpitude of whose offenses win the sovereign contempt and perfect indignation of all good and loyal citizens, as well also as the just punishment of the law in such cases made and provided.—*Found among W. G. Brownlow's papers.*

WAR DEPARTMENT, C. S. A.,
Richmond, Va., January 3, 1862.

Capt. G. H. MONSARRAT, *Knoxville, Tenn.*

SIR: In reply to your letter of the 29th ultimo the Secretary of War directs me to say that Brownlow is to be escorted out of the country by a military force sufficient to protect him from violence in accordance with the pledge given by General Crittenden.

In relation to the abuses mentioned the Secretary expects you to be vigilant and energetic in suppressing them. Colonel Leadbetter who commands on the line of the railroad and the adjacent country will give you particular instructions.

Respectfully,

A. T. BLEDSOE,
Chief Bureau of War.

KNOXVILLE, TENN., *January 3, 1861.*

HON. J. P. BENJAMIN, *Secretary of War, Richmond.*

SIR: Mr. Attorney-General Ramsey the other day in the Confederate court cited an article written and published in the Knoxville Whig before the State went out as the grounds of his arrest of Brownlow for treason. The attorney did it no doubt to justify his act of arrest under the peculiar circumstances, but it has startled the community with a new and grave question which should be understood at once.

Is it the purpose of the Government to arrest and try for treason gentlemen who may have expressed hostility to the Southern cause

before the State was formally voted out? You may rest assured if this is understood to be the policy it will be sure to involve us in renewed trouble. The reports of great excitement about the Brownlow affair are greatly exaggerated; indeed are almost wholly without foundation in fact. There is not a gentleman in or out of the army who after learning the facts of the case does not fully indorse your noble sentiment: "Better that even the most dangerous enemy however criminal should escape than that the honor and good faith of the Government should be impugned or even suspected."

I may say with truth that all disinterested parties regard the arrest and imprisonment of the man under the circumstances as shameful and it has done more injury to the fair name of the Confederacy than a thousand Brownlows are worth. He is said to be now in a sick and dying condition. I pray you will telegraph and insist on a safe-conduct for him and his family at once across the lines and everybody else that desires to leave. If this were done it would be worth 10,000 men to the Southern cause.

Very respectfully, your obedient servant,

J. J. CRAIG.

P. S.—I inclose the paper containing the original article of Brownlow; also two copies of the Attorney-General's organ referring to the matter.*

[Inclosure No. 1.]

ARREST.

[From the Knoxville Register, December 7, 1861.]

William G. Brownlow was arrested yesterday upon a charge of treason on a warrant ordered by the C. S. commissioner and drawn up by the district attorney. He was committed to jail. His trial will come up in due course before the Confederate court—perhaps next week. The rumor of an order from the War Department for his safe conduct to the North in the last two days has created intense excitement throughout this country, especially among those who have friends and relatives now languishing in prison on account of his teachings.

[Inclosure No. 2.]

BROWNLOW.

[From the Knoxville Register, December 13, 1861.]

Why is this ringleader of all the Toryism and devilment in East Tennessee dealt with so leniently and others not half so guilty punished extremely? We insist upon it that all who have been apprehended and are now in prison ought to be released without further trouble. They have only done what Brownlow, Johnson, Nelson, Maynard, Fleming, Trigg and others who were leaders in trying to ruin the country told them to do. And now why keep any others in custody? Why weary the troops in hunting them out and bringing them to justice? Justice should be meted out to all alike; and if the principal leader is not only released but furnished a safe escort it should so be

*The Brownlow article referred to is inclosure No. 2 with Ramsey's letter to Benjamin of December 17, p. 911. "The Attorney-General's organ" refers to the Knoxville Register, the cited articles from which appear herewith as inclosures.

exercised to others. We should invite Johnson and Maynard home and promise them safety while they may be disposed to remain among us and learn all the details of the Southern movement. The brave men who see that Brownlow gets safely out could certainly see that Johnson and Maynard came safely in.

But seriously we have no desire to see any man—not even Mr. Brownlow—pull Tennessee hemp or that of Missouri, nor yet that of Kentucky. But we do think that the least punishment that should be inflicted ought to be a residence at Tuscaloosa until the war closes; and then the enviable gentleman can go over by himself and see Abe Lincoln and abide with him forever. Can it be that any officer or soldier will be pleased to carry out such a tormenter as Brownlow—conduct him safely out who has all the time been seeking the ruin of every secessionist and the whole Southern Confederacy, who would "rather be in hell than with such a bogus government?" Can it be that those brave men who have left all that is dear to them to defend the country will feel themselves honored by safely conveying their most inveterate enemy over to Lincoln to do them still more damage, or will they not rather feel like they have lost more than half they have been fighting for in this State? East Tennessee has been a heavy expense to the State and to the Confederate Government in consequence of the teaching and leading of Brownlow and others; and now to let him go in peace seems to be the height of folly or we cannot see right. It will cool the ardor of many a soldier and cause the community to lose confidence in the hope that they entertained of the speedy independence of the South.

We have nothing to controvert with those at the helm of affairs but we think that we can safely say that our friends at Nashville and Richmond have been led astray and badly hoodwinked by those from East Tennessee who are better friends to Unionism or Toryism than to the Southern interests. It has been said in the ears of authority that Brownlow was so secreted that he could not be found. But no true Southern man believes a word of that in this part of the country. He could have been picked up in three days at any time during his absence by a deputation of ten soldiers. The only wonder is that it was not done. It may be well said that enemies with fair faces have dictated and have been heard and listened to instead of those who have been faithful to the cause of the South through thick and thin. The enmity and trouble amongst Union men in East Tennessee is not rooted out, it is only covered up; while the heat with some honorable exceptions is increasing and waiting and hoping for Lincoln to send over his army, and they will "pitch in."

[Inclosure No. 3.]

THE RELEASE OF W. G. BROWNLOW.

[From the Knoxville Register.]

We do not desire to be understood as attaching an undue or extravagant importance to the discharge of Brownlow from the custody of the Confederate authorities. The writer of this has known this individual for years. He is in few words a diplomat of the first water. Brownlow rarely undertakes anything unless he sees his way entirely through the millstone. He covers over his really profound knowledge of human nature with an appearance of eccentricity and extravagance. If any of our readers indulge the idea that Brownlow is not smart in the full

acceptation of the term they should abolish the delusion at once and forever. Crafty, cunning, generous to his particular friends, benevolent and charitable to their faults, ungrateful and implacable to his enemies—we cannot refrain from saying that he is the best judge of human nature within the bounds of the Southern Confederacy.

In procuring from the Confederate authorities a safe-conduct to a point within the Hessian lines he has exhibited the most consummate skill. Absenting himself from the immediate vicinity of Knoxville—hiding at a point where he was concealed from the observation of any one save his particular friends, within easy communication with the military commanders at the Knoxville post—he succeeded in foiling the Confederate authorities at every point. By a hypocritical appeal to Southern generosity against what he chose to term "mob law" he succeeded in concealing his real whereabouts just long enough to accomplish his real purposes. Time was all he wanted. Cajoling the authorities here with the idea that "he was doing nothing" his emissaries were dispatched to Richmond. By a species of diplomacy and legerdemain Secretary Benjamin is induced to believe that Brownlow forsooth is quite a harmless individual. The move was made, the blow was struck and the shackles fall from the person of Brownlow. Brownlow was triumphant and Benjamin outwitted. In fact we do not know whether to laugh or get mad with the manner in which Brownlow has wound the Confederate Government around his thumb. That Brownlow is now laughing like the king's fool in his sleeve we doubt not for a moment.

The pledge to convey Brownlow within the Hessian lines has been made by the head of the War Department of the Confederate States; and even if this promise was procured by fraud and misrepresentation as we have heard intimated yet it must be fulfilled to the exact letter. In giving Brownlow the promise the Confederate authorities have committed in our opinion what has been so often characterized as worse than a crime—a blunder. That all the authorities in this case acted in good faith we do not and will not doubt; that they have been outwitted and overreached diplomatically we can affirm with equal truth. Brownlow!—God forbid that we should unnecessarily magnify the importance of this name; but there are facts connected with the character of the man which a just and discriminating public would condemn in us did we not give them due notice. In brief Brownlow has preached at every church and school-house and made stump-speeches at every cross-road and knows every man, woman and child and their fathers and grandfathers before them in East Tennessee. As a Methodist circuit-rider, a political stump-speaker, a temperance orator and the editor of a newspaper he has been equally successful in our division of the State. Let him but once reach the confines of Kentucky with his knowledge of the geography and the population of East Tennessee and our section will soon feel the effect of his hard blows. From among his old partisan and religious sectarian parasites he will find men who will obey him with the fanatical alacrity of those who followed Peter the Hermit in the first crusade. We repeat again let us not underrate Brownlow.

AT HOME,
[*Knoxville, Tenn.,*] *February 15, 1862.*

Col. ROBERT B. VANCE:

I am glad to learn that you are in command of this post and I hope you may be continued while it is my lot to remain here under guard in

prison. As you are no doubt aware I have not been able to write for several days; and this hasty letter I indite while propped up in bed. But I write to give you an account of my treatment by those associated with you and preceding you.

I think I may venture to say by way of preliminary that I am not prone to utter complaints but usually exercise a good degree of patience. For the first five weeks of the last seven that a guard has been placed around and in my room I have voluntarily given them three meals in each day, seating them at my table with my family, considering it no hardship as I knew most of them to be Union men forced into the service. When even a different class of men were selected who took possession of my library and office where my two sons sleep; when I say this was seized upon and turned into a guard-house, rocking-chairs broken to pieces, carpet ruined and books damaged; when my coal and wood were taken and consumed though dear and difficult to procure; and when I have furnished their guard-house candles all the time though none are to be had in the market I have not complained. When your predecessor, Colonel Leadbetter, has refused my son John the privilege of collecting debts due me from the clerks and sheriffs of surrounding counties which they are ready and anxious to pay me and which in my broken-down condition I really need to live on I have uttered no words of complaint. When for several days past out of a family of thirteen in number only my wife, my son John and two negroes were off the sick list; when both the mumps and measles were introduced by armed sentinels standing day and night in my room and at my doors I have not uttered even a single word of complaint. When my house and especially my passage and front portico have been shamefully abused by these sentinels disfigured with mud and tobacco I have submitted in silence though conscious of the bad treatment given me. When we have all been kept from sleep by the walking, talking, singing and swearing and by a change of these guards every two hours; when they have rudely rushed into my bedchamber as they said to get warm I have submitted without one word of complaint. I have felt that there is a better day coming for me and my family if I am not assassinated which is threatened me on every hand. I have had and I still have confidence in the final success of the principles for which I am made to suffer these cruel indignities; and hence I have been silent.

But last night when my wife attempted to close and fasten a back door by which my bedroom is entered and it the only fastening to my room in the rear of the building she was insultingly notified by the sentinel, a drunken secessionist, that it must stand open all night and that such were his orders from Captain Cook to whose company he was attached. She told him that it could not and should not stand open; that there were three other sick persons in the room besides me and one of them a little daughter with fever; and she accordingly closed it upon him and locked it expecting him to break it down.

Of this treatment, Colonel Vance, I do complain and especially as threats are made that the door shall be kept open to-night. My appeal for relief is to you. To your predecessor, Leadbetter, I can make no appeal for he never had a gentlemanly emotion of soul in his life; and if he were capable of such feelings he is the willing and malicious instrument of a villainous clique here of most corrupt, vindictive and despicable scoundrels—of whom John H. Crozier, J. C. Ramsey and W. G. Swan are chief.

There is no call for this double guard around me. It is done to oppress me and my family. My wife and children are treated as prisoners; and all marketing is excluded from the house by a military order not to allow any persons to my door or yard. I hope for the honor of the Southern character that no other private family within the eleven seceded States is subjected to such an ordeal. Certain I am that such tyranny and oppression, such outrages and insults, will never diminish my esteem for the old United States Government or increase my respect for the Southern Confederacy. Feeble as I am I am ready and anxious to go beyond your lines as it will relieve my family of this oppression. If I cannot be removed in accordance with the pledge of your War Department I am willing nay desirous to go back to jail if that will secure the repose of an afflicted, insulted and outraged family.

I am, very truly, &c.,

W. G. BROWNLOW.

KNOXVILLE, *February 27, 1862.*

Hon. J. P. BENJAMIN:

Satisfied upon reliable information that my personal safety forbids my going out of this Confederacy by way of Richmond I ask the justice to allow Major Monsarrat to send me through the lines either over Cumberland Mountains or via Nashville. I prefer the latter as I am not yet well enough to undergo the fatigues of traveling on horseback.

Very, respectfully, &c.,

W. G. BROWNLOW.

RICHMOND, VA., *March 1, 1862.*

Major MONSARRAT, *Knoxville:*

You are authorized to send Brownlow out of Tennessee by the Cumberland Mountains or any safe road.

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS,
Knoxville, March 3, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: Your telegraphic order [of 1st instant] to transmit Doctor Brownlow out of Tennessee by "Cumberland Mountains or any safe road" was received on Saturday. This morning I sent Doctor Brownlow in charge of Col. [H. Casey] Young of General Carroll's staff with a guard of ten men to Nashville and thence to Kentucky. I did not deem it safe to send by any of the mountain passes.

With great respect, I have the honor to be, your obedient servant,

G. H. MONSARRAT,
Captain, Commanding Post.

HEADQUARTERS WESTERN DEPARTMENT,
Huntsville, March 7, 1862.

Lieutenant O'BRIEN, *Third Tennessee Regiment.*

SIR: General Johnston having just learned that you have brought Doctor Brownlow to Wartrace as a prisoner expects you to return him to his home or release him where he now is as he may elect.

W. W. MACKALL,
Assistant Adjutant-General.

HEADQUARTERS SECOND DIVISION, CENTRAL ARMY,
March 8, 1862.

In obedience to the orders of the Secretary of War of the Confederate States the officers in charge of W. G. Brownlow will conduct him under a flag of truce to the most convenient and practicable point of the lines of the enemy and deliver him over to the Federal authorities.

By command of Major-General Crittenden:

POLLOK B. LEE,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 21, 1862.

Mrs. W. G. BROWNLOW, *Knoxville.*

MADAM: By Maj. Gen. E. Kirby Smith I am directed most respectfully to inform you that you and your children are not held as hostages for the good behavior of your husband as represented by him in a speech at Cincinnati recently, and that yourself and family will be required to pass beyond the C. S. line in thirty-six hours from this date. Passports will be granted you from this office.

Very respectfully,

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

KNOXVILLE, TENN., *April 21, 1862.*

Col. W. M. CHURCHWELL, *Provost-Marshal.*

SIR: Your official note as provost-marshal for East Tennessee ordering myself and family to remove beyond the limits of the Confederate States within the next thirty-six hours is just received and I hasten to reply to it. My husband as you are aware is not here to afford me his protection and counsel; and being well nigh in the evening of life with a family of dependent children I have to request as a matter of indulgence that you extend the time for my exile a few days longer as to leave within the time prescribed by your mandate would result in the total sacrifice of my private interests.

I have to request the further information what guarantee of safety your passport will afford myself and family.

Yours, &c.,

ELIZA A. BROWNLOW.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, Tenn., April 22, 1862.

General S. COOPER, *Richmond, Va.:*

I have directed Brownlow's and Maynard's families to leave East Tennessee. I wish them to go via Norfolk. Can they pass that way?

E. KIRBY SMITH,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 22, 1862.

Mrs. W. G. BROWNLOW.

MADAM: At your request the time for your leaving to join your husband is extended until Thursday morning next. The route will be via Kingston and Sparta. Your safety will be the soldiers sent along for your protection to the lines of the enemy.

Very respectfully,

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
April 23, 1862.

Maj. H. L. CLAY, *Assistant Adjutant-General.*

SIR: Names of the following persons to go to Norfolk: Mrs. Eliza Brownlow and three children, Miss Mary Brownlow, Mrs. Sue C. Sawyers and child, John B. Brownlow. This office has had no communication with Mrs. Maynard since notifying her but understand she leaves this morning. No application has been made for passport. No officer has yet reported to go to Norfolk. Will be sent to Maj. Gen. E. Kirby Smith's headquarters for instructions as soon as he reports here.

Respectfully,

[W. M. CHURCHWELL,
Colonel and Provost-Marshal.]

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 24, 1862.

Lieut. JOSEPH H. SPEED,
Twentieth Regiment Alabama Volunteers.

SIR: The major-general commanding directs that you proceed from this place to-morrow morning in charge of the following-named persons: Mrs. Eliza Brownlow and three children, Miss Mary Brownlow, Mrs. Sue C. Sawyers and child, John B. Brownlow, Mrs. Maynard and three children, whom you will take to Norfolk, Va., to be transported thence to the enemy's lines. You will show them all proper attention on the way thither and protect them against offensive intrusion. After arriving at Norfolk you will report to the commanding officer and request that just prior to their embarkation a careful examination be made of their luggage and persons for letters or papers of a treasonable

character. If any such should be discovered you will detain Mr. Brownlow and bring him with you upon your return to Knoxville when you will report to these headquarters.

Very respectfully, your obedient servant,

H. L. CLAY,
Assistant Adjutant-General.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
OFFICE PROVOST-MARSHAL,
Knoxville, April 25, 1862.

The following-named persons are allowed (in charge of Lieut. Joseph H. Speed) to pass out of the Confederate States Government by way of Norfolk, Va.: Mrs. Eliza Brownlow and three children, Miss Mary Brownlow, Mrs. Sue C. Sawyers and child, John B. Brownlow.

W. M. CHURCHWELL,
Colonel and Provost-Marshal.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
April 28, 1862.

Just received. The persons are here. Lieutenant Speed reports this order is from General Kirby Smith. I will detain the party here. Please telegraph me if I shall send them to Fort Monroe.

BENJAMIN HUGER,
Major-General.

RICHMOND, *April 28, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.:*

The Brownlow family which has been sent to Norfolk by the commanding general of the Department of East Tennessee for the purpose of being transported to the enemy's line will be sent by you to Fortress Monroe.

By order of the Secretary of War:

A. T. BLEDSOE,
Assistant Secretary of War.

ALTERNATE DESIGNATIONS

OF

ORGANIZATIONS MENTIONED IN THIS VOLUME.*

Alamo Rifles, Infantry. See *Texas Troops, Confederate.*
Amory's (Copley) **Cavalry.** See *Union Troops, Regulars, 4th Regiment.*
Ashby's (Henry M.) **Cavalry.** See *Tennessee Troops, Confederate, 4th Battalion.*
Baldwin's (William E.) **Infantry.** See *Mississippi Troops, 14th Regiment.*
Birge's (John W.) **Sharpshooters.** See *Missouri Troops, Union.*
Boonville Home Guards. See *Missouri Troops, Union.*
Bowman's (Andrew W.) **Infantry.** See *Union Troops, Regulars, 3d Regiment.*
Brown's (William L.) **Cavalry.** See *John F. Rogers' Cavalry, post.*
Buckley's (W. S.) **Infantry.** See *Washington Home Guards, post.*
Buford's (Napoleon B.) **Infantry.** See *Illinois Troops, 27th Regiment.*
Burbridge's (John Q.) **Infantry.** See *Missouri Troops, Confederate, 2d Regiment.*
Burnap's (John) **Cavalry.** See *Illinois Troops, 1st Regiment.*
Burrell's (Orlando) **Cavalry.** See *Illinois Troops, 1st Regiment.*
Bussey's (Cyrus) **Cavalry.** See *Iowa Troops, 3d Regiment.*
Caldwell's (Henry C.) **Cavalry.** See *Iowa Troops, 3d Regiment.*
Caldwell's (James N.) **Infantry.** See *Union Troops, Regulars, 1st Regiment.*
Carpenter's (Stephen D.) **Infantry.** See *Union Troops, Regulars, 1st Regiment.*
Carroll's (Charles A.) **Cavalry.** See *Arkansas Troops, Confederate.*
Carroll's (Charles M.) **Infantry.** See *Tennessee Troops, Confederate, 15th Regiment.*
Churchill's (Thomas J.) **Mounted Rifles.** See *Arkansas Troops, Confederate, 1st Regiment.*
Clark's (William L.) **Cavalry.** See *Tennessee Troops, Confederate, 4th Battalion*
Clitz's (Henry B.) **Infantry.** See *Union Troops, Regulars, 3d Regiment.*
Cobb's Company. (Official designation not of record.) See ——— *Cobb.*
Conrad's (Joseph) **Infantry.** See *Missouri Troops, Union, 3d Regiment (three months).*
Cook's (Edmund C.) **Infantry.** See *Tennessee Troops, Confederate, 32d Regiment.*
Cowdin's (Robert) **Infantry.** See *Massachusetts Troops, 1st Regiment.*
Dresden's Company. (Official designation not of record.) See *Captain Dresden.*
Drumhiller's (William) **Cavalry.** See *Missouri Troops, Union, 5th Regiment State Militia.*
Elliott's (Isaac H.) **Infantry.** See *Illinois Troops, 33d Regiment.*
Folmsbee's (William H.) **Cavalry.** See *Missouri Troops, Union, 1st Regiment State Militia.*
Ford's (John S.) **Cavalry.** See *Texas Troops, Confederate.*
Foster's (John D.) **Infantry.** See *Missouri Troops, Union, 22d Regiment.*
Frank's (Royal T.) **Infantry.** See *Union Troops, Regulars, 8th Regiment.*
Gillespie's (Henry C.) **Cavalry.** See *Tennessee Troops, Confederate.*
Glover's (John M.) **Cavalry.** See *Missouri Troops, Union, 3d Regiment.*
Gordon's (Henry) **Cavalry.** See *Union Troops, Regulars, 4th Regiment.*
Granger's (Robert S.) **Infantry.** See *Union Troops, Regulars, 1st Regiment.*
Grant's (U. S.) **Infantry.** See *Illinois Troops, 21st Regiment.*

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Grimsley's (James) **Infantry.** See *Indiana Troops, 21st Regiment.*
Harding's (Chester, jr.) **Infantry.** See *Missouri Troops, Union, 25th Regiment.*
Harris' Gang. (Official designation not of record.) See ——— *Harris.*
Hollan's (Hugo) **Cavalry.** See *Missouri Troops, Union, 1st Battalion, Reserve Corps.*
Hughes' (James R.) **Regiment.** (Official designation not of record.) See *James R. Hughes.*
Hutcherson's (Thomas) **Infantry.** See *Georgia Troops, 23d Regiment.*
Jackson's (William J.) **Artillery.** See *Missouri Troops, Union.*
Jennison's (Charles R.) **Cavalry.** See *Kansas Troops, 7th Regiment.*
Johns' (William B.) **Infantry.** See *Union Troops, Regulars, 3d Regiment.*
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Johnson's (Richard W.) **Cavalry.** See *Union Troops, Regulars, 2d Regiment.*
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Jordan's (Charles D.) **Infantry.** See *Union Troops, Regulars, 8th Regiment.*
Kennett's (Henry G.) **Infantry.** See *Ohio Troops, 27th Regiment.*
King's (John H.) **Infantry.** See *Union Troops, Regulars, 1st Regiment.*
Lee's (Arthur T.) **Infantry.** See *Union Troops, Regulars, 8th Regiment.*
Lewis' (William D.) **Infantry.** See *Pennsylvania Troops, 18th Regiment.*
Lippincott's (Charles E.) **Infantry.** See *Illinois Troops, 33d Regiment.*
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